

Agenda**Environmental Protection
Commission**

April 15, 1996

11:00 AM

Guthrie Center Public Library Meeting Room, 507 State Street
The Commission will tour Rose Acres at 2:00 p.m. The public is
invited to accompany the Commission on the tour.

Public Participation

11:30 a.m.

APPOINTMENTS:

Regina Thierry (NPDES Permit)
City of Lenox (Item #10A)

11:15 a.m.

1:00 p.m.

Agenda topics

1. Approve Agenda
2. Approve Minutes of February 19, 1996 and March 18, 1996
3. Director's Report
4. Monthly Financial Status Report
5. Monthly Reports
6. Proposed Rule--Chapter 23, Waiver of Open Burning Separation Distance Requirement
7. Notice of Intended Action--Chapter 20 and 22, Potential to Emit for Grain Elevators and Emergency Generators
8. Final Rule--Chapters 20, 22, 23 and 29, Operating Permit by Rule for Small Sources
9. Final Rule--Chapter 134, Groundwater Professionals
10. Referrals to the Attorney General
11. Legislation Update
12. General Discussion
13. Address Items for Next Meeting

Larry Wilson (Information)

Larry Wilson (Information)

Allan Stokes (Information)

Allan Stokes (Information)

Allan Stokes (Decision)

Allan Stokes (Decision)

Allan Stokes (Decision)

Allan Stokes (Decision)

Larry Wilson (Information)

Next Meeting Dates
May 20, 1996
June 17, 1996
July 15, 1996

ENVIRONMENTAL PROTECTION COMMISSION

Monday, April 15, 1996

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Michael D. Rottinghaus

Waterloo

Aaron HAWDAKER

Waterloo

KEN & REGINA THIRY

WATERLOO

Pat Rottinghaus

Waterloo

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Sellers Initials *JS* *April 1996*

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

APRIL 15, 1996

GUTHRIE CENTER PUBLIC LIBRARY
GUTHRIE CENTER, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson King at 11:00 a.m. on Monday, April 15, 1996, in the Guthrie Center Public Library Meeting Room, Guthrie Center, Iowa.

MEMBERS PRESENT

Kathryn Draeger
William Ehm
Rozanne King, Chair
Charlotte Mohr, Secretary
Kathryn Murphy
Gary Priebe, Vice-Chair
Terrance Townsend

MEMBERS ABSENT

Verlon Britt

Director Wilson stated that Verlon Britt phoned to say he cannot attend today's meeting due to a conflicting bank meeting.

ADOPTION OF AGENDA

Motion was made by Terrance Townsend to approve the agenda as presented. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS PRESENTED

APPROVAL OF MINUTES

Motion was made by William Ehm to approve the meeting minutes of February 19, 1996, and March 18, 1996, as presented. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REPORT

Larry Wilson, Director thanked the people at Guthrie Center Public Library for making their meeting room available to the Commission.

Director Wilson distributed copies of an invitation to the Commission to attend the grand opening of the Scott Area Recycling Center. The event will be held Friday, April 19.

Director Wilson reported that he held a roundtable meeting on April 9 with a sub-group of the Regulatory Task Force. He listed the members of the Industry/Public Sub-group and noted that it was a very informative meeting for him, adding that the group agreed to hold quarterly meetings. He related that he set up two other groups, one focusing on Agriculture and the other will focus on Other Governmental Entities. Director Wilson stated that the meeting with the Agriculture Sub-group will be on May 7.

Rozanne King asked if the Commission could have an update on the Postville Pork case.

Mr. Murphy stated that the department has been unable to reach an agreement with Postville Pork and staff will bring the issue back to the Commission at the May meeting.

FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES

Larry Wilson, Director, presented the following item.

Accompanying this item is the YTD March 31, 1996 division-level expenditure status report. Staff will be present and will respond to questions regarding related fiscal matters.

There is no significant status change compared to schedules and information presented at the March meeting.

DIRECTOR'S OFFICE/I&E BUREAU

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 3/31/96	YTD Actual 3/31/96	Under (Over)
PERS SERV	1,004,589	1,038,827	758,344	689,199	69,145
PERS TRV IN	41,546	54,282	36,206	20,809	15,397
STATE VEHICL	4,535	7,431	5,573	2,995	2,578
DEPRECIATION	7,860	12,640	9,480	6,135	3,345
PERS TRV OUT	10,438	9,500	6,337	7,296	(960)
OFF SUPPLY	71,747	76,600	51,092	49,429	1,663
FAC MAINT SU	34	31,000	20,677	1,535	19,142
EQUIP MAINT	4,166	6,850	4,569	1,877	2,692
OTHER SUPPLY	63,923	58,400	38,953	59,935	(20,982)
PRINT & BIND	259,174	325,944	217,405	97,165	120,240
UNIFORMS	1,951	2,150	1,434	556	878
COMMUNICATIO	28,986	25,800	17,209	17,573	(364)
RENTALS	2,193	2,000	1,334	1,743	(409)
UTILITIES	187	750	500	162	338
PROF SERV	53,169	80,070	52,046	16,992	35,054
OUTSIDE SERV	31,516	26,550	17,709	27,403	(9,694)
ADVER PUB	0	5,000	3,335	0	3,335
DATA PROC	7,275	14,050	9,371	2,584	6,787
REIMBURSEMENT	3,896	6,175	4,119	281	3,838
EQUIPMENT	22,464	29,724	26,752	12,882	13,870
OTHER EXP	124	2,600	1,734	4	1,730
	1,619,773	1,816,343	1,284,177	1,016,555	267,622

ADMINISTRATIVE SERVICES DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 3/31/96	YTD Actual 3/31/96	Under (Over)
PERS SERV	3,727,699	3,729,059	2,722,213	2,604,672	117,541
PERS TRV IN	32,873	42,850	28,581	29,319	(738)
STATE VEHICL	47,570	55,000	41,250	43,523	(2,273)
DEPRECIATION	68,730	75,500	56,625	52,100	4,525
PERS TRV OUT	7,148	8,500	5,670	6,518	(849)
OFF SUPPLY	339,910	355,500	237,119	245,636	(8,518)
FAC MAINT SU	2,020	16,000	10,672	1,002	9,670
EQUIP MAINT	46,662	53,000	35,351	26,979	8,372
OTHER SUPPLY	18,066	14,000	9,338	6,968	2,370
PRINT & BIND	25,145	23,000	15,341	13,257	2,084
UNIFORMS	6,031	2,500	1,668	784	884
COMMUNICATIO	101,812	108,100	72,103	78,428	(6,325)
RENTALS	184	500	334	536	(203)
UTILITIES	282	0	0	0	0
PROF SERV	52,024	70,000	45,500	31,859	13,641
OUTSIDE SERV	34,280	79,650	53,127	48,272	4,855
ADVER PUB	934	500	334	528	(195)
DATA PROC	44,611	91,000	60,697	63,505	(2,808)
AUDITOR REIM	169,503	175,000	113,750	71,937	41,813
REIMBURSMENT	182,696	118,650	79,140	75,929	3,211
EQUIPMENT	199,462	169,500	152,550	143,023	9,527
OTHER EXP	8,484	8,658	5,775	0	5,775
LICENSES	0	50	33	0	33
	5,116,126	5,196,517	3,747,168	3,544,775	202,393

PARKS, PRESERVES AND RECREATION DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 3/31/96	YTD Actual 3/31/96	Under (Over)
PERS SERV	5,004,243	4,555,104	3,325,226	3,248,954	76,272
SEASONAL HELP	1,509,834	1,298,094	791,837	810,979	(19,142)
PERS TRV IN	72,955	58,550	39,053	50,336	(11,283)
STATE VEHICL	213,209	200,460	150,345	155,975	(5,630)
DEPRECIATION	292,147	304,150	228,113	186,066	42,047
PERS TRV OUT	4,357	7,585	5,059	4,130	929
OFF SUPPLY	55,853	37,200	24,812	32,058	(7,246)
FAC MAINT SU	517,700	570,409	325,133	388,935	(63,802)
EQUIP MAINT	363,110	312,298	178,010	264,299	(86,289)
AG CONS SUPP	55,354	34,035	19,400	18,803	597
OTHER SUPPLY	37,550	43,600	29,081	22,597	6,484
PRINT & BIND	28,417	28,000	18,676	10,429	8,247
UNIFORMS	37,322	34,077	22,729	32,343	(9,614)
COMMUNICATIO	97,981	105,250	70,202	67,715	2,487
RENTALS	42,930	38,050	21,689	27,897	(6,209)
UTILITIES	440,884	423,200	241,224	333,572	(92,348)
PROF SERV	52,839	105,165	68,357	18,802	49,555
OUTSIDE SERV	219,918	203,852	116,196	150,344	(34,148)
ADVER PUB	2,904	1,050	700	858	(158)
DATA PROC	2,846	5,000	3,335	1,116	2,219
REIMBURSMENT	8,012	7,375	4,919	3,625	1,294
EQUIPMENT	239,227	216,100	194,490	200,981	(6,491)
OTHER EXP	52	2,700	1,801	391	1,410
LICENSES	204	697	465	1,065	(600)
	9,299,848	8,592,001	5,880,852	6,032,270	(151,418)

FORESTS AND FORESTRY DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 3/31/96	YTD Actual 3/31/96	Under (Over)
PERS SERV	1,801,319	1,804,191	1,317,059	1,298,361	18,698
SEASONAL HELP	81,704	122,976	75,015	50,638	24,377
PERS TRV IN	40,119	42,800	28,548	28,852	(304)
STATE VEHICL	66,145	86,500	64,875	53,730	11,145
DEPRECIATION	133,805	138,500	103,875	89,120	14,755
PERS TRV OUT	8,189	8,800	5,870	3,558	2,312
OFF SUPPLY	27,792	25,870	17,255	16,389	866
FAC MAINT SU	49,992	33,500	22,345	34,362	(12,018)
EQUIP MAINT	57,760	49,000	32,683	42,649	(9,966)
AG CONS SUPP	125,118	113,000	75,371	48,021	27,350
OTHER SUPPLY	12,826	19,900	13,273	9,291	3,982
PRINT & BIND	3,419	26,200	17,475	8,971	8,504
UNIFORMS	13,640	14,300	9,538	2,201	7,337
COMMUNICATIO	39,189	39,669	26,459	34,132	(7,673)
RENTALS	39,257	38,000	25,346	21,868	3,478
UTILITIES	30,741	36,800	24,546	21,479	3,067
PROF SERV	19,546	8,820	5,733	8,840	(3,107)
OUTSIDE SERV	57,912	60,820	40,567	46,759	(6,192)
ADVER PUB	176	2,000	1,334	159	1,175
DATA PROC	666	2,000	1,334	651	683
REIMBURSMENT	2,580	550	367	513	(146)
EQUIPMENT	140,782	71,861	64,675	35,634	29,041
OTHER EXP	0	0	0	11	(11)
	2,752,677	2,746,057	1,973,543	1,856,189	117,365

ENERGY & GEOLOGICAL RESOURCES DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 3/31/96	YTD Actual 3/31/96	Under (Over)
PERS SERV	2,340,475	2,445,164	1,784,970	1,672,723	112,247
PERS TRV IN	18,491	51,756	34,521	12,869	21,652
STATE VEHICL	10,970	14,000	10,500	8,624	1,876
DEPRECIATION	18,515	20,000	15,000	8,865	6,135
PERS TRV OUT	47,982	68,787	45,881	29,932	15,949
OFF SUPPLY	29,069	36,105	24,082	22,278	1,804
FAC MAINT SU	428	2,200	1,467	195	1,272
EQUIP MAINT	2,810	6,550	4,369	1,135	3,234
PROF SUPPLY	1,048	3,280	2,188	894	1,294
OTHER SUPPLY	29,162	61,561	41,061	18,501	22,560
PRINT & BIND	33,907	48,300	32,216	13,466	18,750
UNIFORMS	402	1,000	667	238	429
COMMUNICATIO	39,280	46,428	30,967	26,288	4,679
RENTALS	2,764	3,100	2,068	1,621	447
UTILITIES	18,227	16,400	10,939	13,377	(2,438)
PROF SERV	955,814	1,955,824	1,271,286	479,759	791,527
OUTSIDE SERV	57,518	134,270	89,558	50,660	38,898
ADVER PUB	624	1,000	667	792	(125)
DATA PROC	4,492	19,530	13,027	3,239	9,788
REIMBURSMENT	8,164	6,635	4,426	3,226	1,200
EQUIPMENT	136,163	158,381	142,543	97,858	44,685
OTHER EXP	5,408	4,742	3,163	0	3,163
	3,761,713	5,105,013	3,565,565	2,466,540	1,099,025

ENVIRONMENTAL PROTECTION DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 3/31/96	YTD Actual 3/31/96	Under (Over)
PERS SERV	8,177,148	9,556,812	6,976,473	6,230,791	745,682
PERS TRV IN	55,513	130,807	87,248	36,080	51,168
STATE VEHICL	42,519	52,500	39,375	30,632	8,743
DEPRECIATION	56,720	76,500	57,375	42,250	15,125
PERS TRV OUT	72,774	193,332	128,952	64,372	64,580
OFF SUPPLY	98,251	127,557	85,081	85,539	(458)
FAC MAINT SU	3,133	4,300	2,868	2,783	85
EQUIP MAINT	16,909	19,750	13,173	8,077	5,096
PROF SUPPLY	0	1,250	834	0	834
OTHER SUPPLY	22,997	46,567	31,060	8,958	22,102
PRINT & BIND	74,754	109,600	73,103	48,913	24,190
UNIFORMS	4,773	7,600	5,069	3,431	1,638
COMMUNICATIO	177,611	177,850	118,626	127,564	(8,938)
RENTALS	87,694	119,500	79,707	82,101	(2,395)
UTILITIES	18,207	24,811	16,549	16,029	520
PROF SERV	2,667,560	6,716,468	4,365,704	2,096,812	2,268,892
OUTSIDE SERV	87,877	91,446	60,994	43,188	17,806
ADVER PUB	6,314	12,900	8,604	5,863	2,741
DATA PROC	189,747	217,106	144,810	102,928	41,882
REIMBURSEMENT	62,713	67,600	45,089	26,594	18,495
EQUIPMENT	956,082	1,746,333	1,571,700	395,059	1,176,641
OTHER EXP	15,213	12,720	8,484	0	8,484
	12,894,509	19,513,309	13,920,879	9,457,964	4,462,915

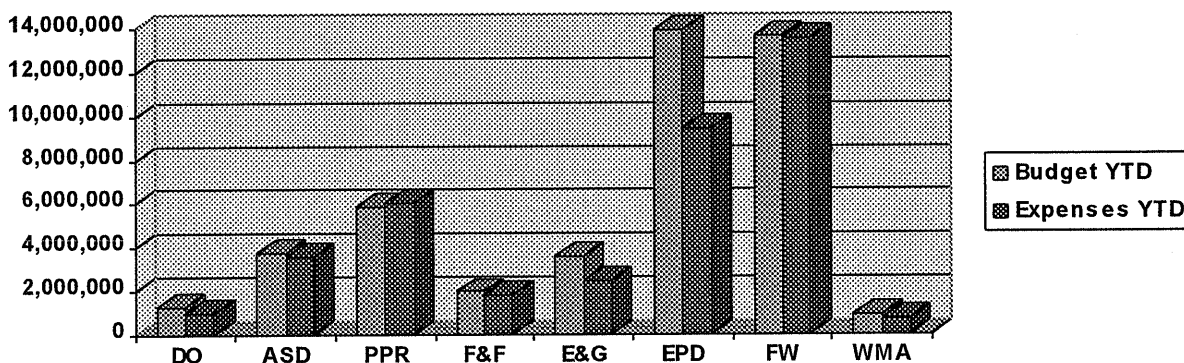
FISH AND WILDLIFE DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 3/31/96	YTD Actual 3/31/96	Under (Over)
PERS SERV	12,485,277	12,227,973	8,926,420	8,919,405	7,015
SEASONAL HELP	785,126	802,414	489,473	520,843	(31,370)
PERS TRV IN	371,415	355,522	237,133	236,352	781
STATE VEHICL	540,298	506,700	380,025	395,009	(14,984)
DEPRECIATION	680,640	753,316	564,987	524,175	40,812
PERS TRV OUT	33,831	48,400	32,283	29,188	3,095
OFF SUPPLY	276,247	303,868	202,680	202,274	406
FAC MAINT SU	377,293	458,687	305,944	222,233	83,711
EQUIP MAINT	451,909	350,636	233,874	335,745	(101,871)
PROF SUPPLY	0	10,000	6,670	0	6,670
AG CONS SUPP	340,020	366,258	244,294	201,514	42,780
OTHER SUPPLY	171,384	103,577	69,086	128,500	(59,414)
PRINT & BIND	218,479	283,625	189,178	281,804	(92,626)
UNIFORMS	161,845	132,575	88,428	55,854	32,574
COMMUNICATIO	293,531	204,100	136,135	213,810	(77,675)
RENTALS	57,169	65,035	43,378	36,740	6,638
UTILITIES	206,398	242,216	161,558	164,625	(3,067)
PROF SERV	343,892	392,780	255,307	237,262	18,045
OUTSIDE SERV	185,806	170,362	113,631	86,939	26,692
ADVER PUB	1,883	2,600	1,734	3,210	(1,476)
DATA PROC	74,037	64,000	42,688	59,788	(17,100)
REIMBURSEMENT	72,133	68,450	45,656	35,111	10,545
EQUIPMENT	1,219,428	951,034	855,931	607,524	248,407
OTHER EXP	44,003	34,353	22,913	3,018	19,895
LICENSES	1,053	300	200	0	200
	19,393,097	18,898,781	13,649,607	13,500,923	148,684

WASTE MANAGEMENT ASSISTANCE DIVISION

EXPENSE CATEGORY	Actual FY95	Budget FY96	YTD Budget 3/31/96	YTD Actual 3/31/96	Under (Over)
PERS SERV	766,664	782,200	571,006	558,985	12,021
PERS TRV IN	29,522	47,214	31,492	20,497	10,995
PERS TRV OUT	23,060	39,165	26,123	15,837	10,286
OFF SUPPLY	9,635	32,030	21,364	6,248	15,116
EQUIP MAINT	634	1,900	1,267	904	363
OTHER SUPPLY	24,011	45,445	30,312	26,542	3,770
PRINT & BIND	30,863	61,258	40,859	35,770	5,089
UNIFORMS	0	0	0	28	(28)
COMMUNICATIO	14,932	16,000	10,672	9,917	755
RENTALS	691	800	534	551	(17)
PROF SERV	75,578	123,897	80,533	21,085	59,448
OUTSIDE SERV	7,480	9,886	6,594	6,039	555
ADVER PUB	613	13,500	9,005	4,194	4,811
DATA PROC	4,157	4,750	3,168	1,427	1,741
REIMBURSEMENT	25,209	15,110	10,078	13,521	(3,443)
EQUIPMENT	14,702	63,400	57,060	34,386	22,674
OTHER EXP	5,796	6,650	5,985	0	5,985
	1,033,547	1,263,205	906,052	755,931	150,121

DNR Division-Level YTD Budget/Expenditures, 3/31/96



Director Wilson reviewed the financial reports noting that he met on an individual basis with each of his staff members and directed them to come in at, or under, their budget. He advised staff that he does not want to have go outside of the department for a transfer of funds. He related the Forestry Division is having some problems with decreased forestry stock sales due to the uncertainty of the Farm Bill. Director Wilson noted that Forestry is reducing other expenditures for materials, chemicals, seed stock, etc., to offset the decreased sales. Director Wilson indicated that the Parks Division will do okay if the weather is good for the Memorial Day weekend. He stated that the Environmental Protection Division is a bit over budget due to the additional staff hired to handle the livestock permitting process, but with adjustments near the end of the fiscal year they will probably come out okay.

INFORMATIONAL ONLY

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

RULEMAKING STATUS REPORT April 1, 1996

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISH	RULES REVIEW COMMITTEE	HEARING	FINAL SUMMARY TO COMMISSION	RULES ADOPTED	RULES PUBLISH	RULES REVIEW COMMITTEE	RULE EFFECTIVE
1. Ch. 20, 22, 23 and 29, AQ Rules Update & Waiver of Title V Applicability for Small Sources - MACT	12/18/95	1/17/96	2/05/96	2/19/96	4/15/96	*4/15/96	*5/08/96	*5/13/96	*6/21/96
2. Ch. 20, 22 - Potential to Emit for Grain Elevators and Emergency Generators	4/15/96	*5/08/96	*5/13/96	*5/1/96	*6/17/96	*6/17/96	*7/17/96	*8/05/96	*8/21/96
3. Ch. 22 - Background Values for PM-10 AMENDED NOTICE	6/19/95 6/19/95	7/19/95 8/16/95	8/14/95 9/05/95	10/18/95	NOTICE *5/20/96	AMENDED *5/20/96	*6/19/96	*7/10/96	*7/24/96
4. Ch. 22 - Deferral of Title V Fee Payment	2/19/96	3/13/96	4/16/96	4/15/96	*5/20/96	*5/20/96	*6/19/96	*7/10/96	*7/24/96
5. Ch. 23 - Waiver of Open Burning Separation Distance Requirement	*5/20/96	*6/19/96	*7/09/96	*6/1/96	*7/15/96	*7/15/96	*8/14/96	*9/10/96	*9/18/96
6. Ch. 61 - WQ Standards - Nationwide Permits	11/20/95	12/20/95	1/03/96	-----	2/19/96	2/19/96	3/13/96	4/16/96	*4/17/96
7. Ch. 61 - WQ Standards - Stream Use Designations	2/19/96	3/13/96	4/16/96	4/02/96 4/03/96	*5/20/96	*5/20/96	*6/19/96	*7/10/96	*7/24/96
8. Ch. 65 - Animal Feeding Operations	1/16/96	2/14/96	3/11/96	3/05/96 3/06/96	*5/20/96	*5/20/96	*6/19/96	*7/10/96	*7/24/96
9. Ch. 83 - Laboratory Certification	10/16/95	11/08/95	12/13/95	12/14/95	3/18/96	3/18/96	4/16/96	*5/13/96	*5/15/96
10. Ch. 103 - Sanitary Landfill Liners	*5/20/96	*6/19/96	*7/09/96	*6/1/96	*7/15/96	*7/15/96	*8/14/96	*9/10/96	*9/18/96
11. Ch. 133, 135 - Underground Storage Tank - Risk Based Corrective Action Stds	10/16/95	11/08/95	12/13/95	12/01/95 12/04/95 12/06/95 12/08/95 12/11/95 12/13/95	*5/20/96	*5/20/96	*6/19/96	*7/10/96	*7/24/96
12. Ch. 134 - Groundwater Professional Certification				2/06/96					

	12/18/95	1/17/96	2/12/96	2/07/96 2/08/96	4/15/96	*4/15/96	*5/08/96	*5/13/96	*6/12/96
13. Ch. 146 Household Hazardous Materials Program	2/19/96	3/13/96	4/10/96	4/05/96	*5/20/96	*5/20/96	*6/19/96	*7/10/96	*7/24/96

* Projected

VARIANCE REPORT MARCH 1996

Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Army Ammunition Plant -(Mason & Hanger-Silas Mason Co., Inc.)-Des Moines County	Air Quality	El Dorado Engineering	Permit Requirements	Approved	03/11/96
2	Cargill, Inc.-Eddyville	Air Quality		Permit Requirements	Approved	03/08/96
3	Chelsea, City of	Air Quality		Disaster Waste	Approved	03/19/96
4	Oyens, City of	Wastewater Construction	Kuehl & Payer, Ltd.	Number of Lagoon Cells	Approved	03/20/96
5	West Des Moines, City of-Pedestrian Bridge, Recreational Trail	Flood Plain	Veenstra & Kimm, Inc.	Freeboard	Approved	03/18/96
6	Mi-T-M Corporation-Peosta Industrial Park-Dubuque County	Wastewater Operation		Monitoring Frequency	Approved	03/14/96
7	Landfill of Des Moines #5	Solid Waste	Rob Hosier, Landfill Manager	Leachate	Approved	03/11/96
8	Emerald Oaks Subdivision-Bremer County	Watersupply Construction	Wayne Claassen Engineering & Surveying	Construction Materials	Approved	03/13/96

HAZARDOUS CONDITION / EMERGENCY RESPONSE REPORT

Month	Substance				Mode					
	Total Incidents	Petro. Product	Agri - Chem.	Other Substances	Handling & Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct.	64(51)	37(38)	9(3)	18(10)	21(32)	0(0)	35(16)	3(0)	1(0)	4(2)
Nov.	52(54)	34(24)	7(7)	11(23)	25(29)	4(0)	21(22)	1(3)	0(0)	1(0)
Dec.	56(52)	30(27)	11(2)	15(23)	28(38)	2(1)	21(12)	2(0)	1(0)	2(1)
Jan.	42(48)	18(29)	10(7)	14(12)	24(31)	0(0)	13(14)	1(1)	0(1)	4(1)
Feb.	55(48)	36(29)	11(12)	37(31)	1(0)	1(0)	12(14)	2(1)	1(1)	2(1)
March	59(41)	44(27)	6(5)	9(9)	29(24)	0(0)	28(17)	0(0)	0(0)	2(0)
April										
May										

June										
July										
Aug.										
Sept.										
Total Number of Incidents Per Field Office This Period (numbers in parentheses for the same period in fiscal year '95)										
1	2	3	4	5	6					
1	6	6	10	16	20					

Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
T M & M Inc. Environmental Services, Hamilton Co. (2)	Wastewater	Prohibited Discharge	Order/Penalty \$3,000	3/04/96
Mildred Eileen Bentley, Johnson Co. (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$1,000	3/12/96
Iowa Select Farms, L.P. (Arends Sow Site) Hamilton Co. (2)	Wastewater	Prohibited Discharge	Order	3/15/96
C & I Eggs, Webster Co. (2)	Wastewater	Prohibited Discharge	Order/Penalty \$3,000	3/15/96
Monroe County Board of Supervisors; Monroe County Board of Health, Albia (5)	Wastewater	Prohibited Discharge	Amended Order	3/15/96
Meadow View Country Club, Central City (1)	Drinking Water	Operation Permit Violation	Amended Order	3/19/96
Tharp Production, Inc.; Pork Technologies, Inc.; Randy Denburger, Mahaska Co. (5)	Wastewater	Prohibited Discharge	Order/Penalty \$3,000	3/27/96

Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Franklin Raymond (Pacific Junction)	UT	300	7-07-93
*Delano's Lounge (Washington)	WS	425	9-01-93
Melvin Foubert d/b/a Mel's Repair Service (What Cheer)	UT	400	12-13-93
Stan Simmer d/b/a Tire City (Des Moines)	UT	600	12-21-93

*63-80 Cafe (Moore Oil Co.) (Malcom)	WS	200	1-20-93
William Hatch d/b/a R&R Convenience Store (Central City)	UT	2,480	2-28-93
Kurt & Mary Marzofka; John & Shirley Riordan (Sabula)	UT	500	3-31-94
Ida Grove Farm Supply Co. d/b/a Double Circle Farm Supply Co. (Galva)	UT	2,300	5-15-94
Leland Koster and Jim Koster (Alexander)	UT	350	6-11-94
*Home Asbestos & Lead Abatement Services (Johnston)	AQ	350	7-02-94
King Transfer, Ltd.; George B. King (Onawa)	UT	2,400	7-20-94
Central Water Works (Fort Dodge)	WS	275	8-21-94
Crawford Flats, Ltd. (Denison)	WS	275	8-25-94
Holland, City of	WS	550	8-28-94
Coralville Lake Terrace Assn. (North Liberty)	WS	550	9-01-94
The Marley Pump Co. (Davenport)	WS	125	9-13-94
RHCL School (Luxemberg)	WS	125	9-14-94
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
Kilpeck Mobile Home Park (Muscatine)	WS	275	9-23-94
Immanuel Lutheran Church and School (Readlyn)	WS	275	9-23-94
Sunshine Homes, Inc. (Atlantic)	WS	275	9-25-94
Scenic View Estates (Decorah)	WS	275	9-25-94
Yarmouth Elementary School (Mediapolis)	WS	375	10-12-94
Batavia, City of	WS	650	10-17-94
Geils Oil Company; Lawrence P. Geils (Donnelson)	UT	3,200	10-18-94
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	10-22-94
*Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	250	11-15-94
Donald K. Schmidt (Cedar Rapids)	UT	3,000	12-27-94
Collier Oil Co.; Clark Concrete Co. (Onawa)	UT	3,300	1-22-95
Ron Mumby (Iowa Co.)	SW	2,000	4-19-95
Jody Beaver (Cedar Co.)	SW/AQ	2,000	5-27-95
Valley Heights 1st Annex (Blue Grass)	WS	550	6-05-95
Orrie's Supper Club, Inc. (Hudson)	WS	3,000	6-11-95
Rock Falls Lounge (Rock Falls)	WS	1,500	6-12-95
Dallas County Care Facility (Adel)	WS	550	6-13-95
Crestwood Acres; Mid County Water, Inc. (Toddville)	WS	375	6-13-95
Lake Vista Improvement Assn., Inc. (Solon)	WS	200	6-14-95
Wieland & Sons Lumber Co. (Winthrop)	AQ/SW	3,000	7-04-95
Fremont County Sanitary Landfill (Fremont Co.)	SW	5,000	7-05-95
ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
David A. Dohlman d/b/a Dave's Conoco (Dumont)	UT	2,300	7-18-95
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Sheldahl, City of	WS	200	8-30-95
Norman Klynsmas d/b/a OK One Stop Service (Hospers)	UT	2,000	9-01-95
Orville Long (Polk Co.)	SW	3,000	9-12-95
Ken Frese (Keokuk Co.)	SW/AQ	1,000	10-03-95
Carter Lake, City of	WS	200	10-25-95
Meadow Knolls Addition (Marion)	WS	200	10-29-95
Searsboro, City of	WW	2,500	11-08-95
*R. V. Hopkins, Inc. (Davenport)	AQ	10,000	11-15-95
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Site Services, Ltd. (Waterloo)	AQ	5,000	1-29-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Steven Mullane d/b/a S & S Landscaping (Madison Co.)	AQ/SW	2,000	2-14-96
Cheryl Straughn d/b/a Cher's Mini Mart (Chapin)	UT	600	2-21-96
Sportsmen's Club (Waukon)	WS	100	4-01-96
C & C Ltd. d/b/a Country View MHP (Denison)	WS	475	4-08-96
Brian McKernan d/b/a Hickory Grove MHP (Story Co.)	WW	1,000	4-15-96
Enviro Safe Air, Inc. (Sioux City)	AQ	5,000	4-18-96
Lamoni, City of	WW	1,000	4-15-96
*DBM, Inc. (Cedar Falls)	AQ	1,000	5-01-96
*Curry Environmental Services, Inc. (Marion)	AQ	4,000	5-01-96
3 Amigos (West Burlington)	WS	100	5-01-96
Midway Water & Lighting Co., Inc. (Marion)	WS	100	5-01-96
Oakland Mills Store (Mt. Pleasant)	WS	100	5-01-96
Lanesboro, City of	WS	100	5-01-96
Obie's Hurstville Tap, Inc. (Maquoketa)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	100	5-01-96
David Kramer (Camanche)	UT	600	5-03-96
Latimer, City of	WS	150	5-03-96

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Ainsworth, City of	WS	150	5-03-96
Barrington Lakes Water Commission (Dubuque)	WS	100	5-03-96
Hofer's Danceland Ballroom (Walford)	WS	100	5-04-96
Fernald Water System (Nevada)	WS	100	5-04-96
Cedar River Trailer Park (Letts)	WS	100	5-04-96
McClelland Bar & Grill (Council Bluffs)	WS	100	5-06-96
# T M & M Inc. Environmental Services (Hamilton Co.)	WW	3,000	5-12-96
C & I Eggs (Webster Co.)	WW	3,000	5-20-96
Meadow View Country Club (Central City)	WS	100	5-21-96
*First United Methodist Church (Ft. Madison)	AQ	4,000	6-01-96
*Woden-Crystal Lake Comm. School District (Crystal lake)	AQ	1,500	7-01-96
# Sharp Production, Inc., et.al. (Mahaska Co.)	WW	3,000	----
Plantation Village Mobile Home Park (Burlington)	WW	1,000	----
William R. Hennessey & Son, Inc. (Cedar Rapids)	UT	2,670	----
Deer Ridge Estates (Ottumwa)	WS	100	----
Mildred Eileen Bentley (Johnson Co.)	AQ/SW	1,000	----
# Team Pork, Inc. (Sac Co.)	WW	3,000	----
TOTAL		144,850	

The following cases have been referred to the Attorney General:

OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
William L. Brown (Marshalltown)	SW	1,000	10-01-89
Weilendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Gerald G. Pregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Fred Varner (Worth Co.)	SW	950	4-11-91
Honey Creek Camping Resort (Crescent)	WS	245	6-13-91
F.R. Thomas/F.R. Thomas, Jr. d/b/a Clair View Acres Store (Delhi)	WS	1,000	8-04-91
*M & W Mobile Home Park (Muscatine)	WW	200	8-21-91
Vern Starling (Boone Co.)	SW	440	9-15-91
Lloyd Dunton (Iowa Co.)	SW	300	11-07-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Kenneth Bode (Mills Co.)	SW	300	4-27-92
V.R. Dillingham d/b/a Barb's Service (Everly)	UT	600	5-21-92
Tandem Oak Park Associates (Ft. Dodge)	WS	405	6-03-92
Dick White (Washington Co.)	AQ	250	8-15-92
Rankin Roofing & Siding Co. (Knoxville)	AQ	500	11-09-92
Tony Hoyt d/b/a Lake Wilderness (Lee Co.)	SW	1,000	1-23-93
Bernard Gavin Veterinary Clinic (Wellsburg)	UT	600	5-02-92
Tim Sharp (Newton)	UT	1,000	1-25-93
David Young d/b/a Sierp Oil Co. (Casey)	UT	300	2-10-93
Carson Grain & Implement (Coggon)	UT	1,000	8-03-92
Louis Saak d/b/a Saak Oil Co. (Baxter)	UT	1,560	12-25-93
Economy Solar Corp. (Monticello)	AQ	5,000	3-31-94
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Wunschel Oil, et.al. (Battle Creek)	UT	6,400	11-08-94
Paul L. Dunkel (Delaware Co.)	SW	1,500	11-09-94
Orrie's Supper Club, Inc. (Hudson)	WS	275	9-19-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	SW/AQ	2,000	8-29-95
TOTAL		43,056	

E96Apr-11

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
Hickory Hollow Water Co. (Ankeny)	WS	400
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
John Staub d/b/a Mr. Convenient (Burlington)	UT	600
Charles Kerr (Sloan)	UT	600
Stringtown Country Cafe (Lenox)	WS	1,000
Lincoln Farm and Home Service (Henderson)	WW	1,000
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
LaVerne Rehder (Union)	UT	300
Randy Bonin/Vickie Brannick (Hardin Co.)	SW	500
Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT	300
Decatur, City of	UT	600
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Lloyd Decker (Floyd Co.)	SW	1,000
Waucoma, City of	WS	200
Frank Hulshizer (Benton Co.)	SW	500
Chicago/Northwestern Transp. Co. (Council Bluffs)	HC	1,000
Pirelli Armstrong Tire Corp. (Polk Co.)	SW	1,000
Land Renu, Inc. (Rockwell City)	SW	1,000
LeMars, City of	WW	5,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Donald Udell (Plymouth Co.)	SW	1,000
Daisy H. Gridley Conservatorship, et.al. (Union Co.)	SW	1,000
Thomas L. Burt, et.al. (Butler Co.)	SW	1,000
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
U.S. Dept. of Defense (Sioux City)	UT	5,720
Valley Restaurant/Sierp Oil/Mary & Carl Sierp (Villisca)	UT	5,000
Valley Restaurant/Sierp Oil/Robert Radford (Villisca)	UT	2,300
Orlo Stewart, et.al. (Webster Co.)	SW	1,000
J.P. Scherrman, Inc. (Farley)	UT	1,160
Lester D. Davis & Evelyn McKelvogue (Warren Co.)	AQ/SW	5,000
Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel (Shell Rock)	AQ	3,000
Anderson Excavating & Wrecking Co. (Waterloo)	AQ	1,000
L.F. & Betty Everett; Vern Barker & Donald Knotts, d/b/a Barker & Knotts Construction; Gene Phillips (Ottumwa)	AQ	10,000
Eli Shada (Anamosa)	UT	1,328
James and Robert Brock d/b/a B & B Oil (Ringsted)	UT	1,685
M and D Tire Processing, Inc. (Decatur Co.)	SW	10,000
Merrill, City of	AQ	5,000
Riverside Plating Company (Shell Rock)	WW	1,500
Toys "R" Us, Inc. (Davenport)	UT	5,560
Coastal Mart, Inc.-Store #1081 (Davenport)	UT	5,320
Parkwest, Ltd.; Wilbur Numelin; Ricky Lee Anderson (Clear Lake)	UT	2,280
Country Stores of Carroll, Ltd.; Roger Kanne (Carroll)	UT	10,000
Elite, Ltd.; Roger Kanne; James Pietig (Coon Rapids)	UT	3,500
Elite, Ltd.; Roger Kanne; James Pietig (Logan)	UT	3,288
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000
Galva Union Elevator Co. (Galva)	UT	3,100
Joseph L. Ranker; Daryl Hollingsworth (Indianola)	UT	4,000
Larry and Kelly Miller (Ogden)	UT	2,000
R.D.J. Farms; Donald Vogt (Van Horne)	UT	1,300
Home Oil Stations; Otto-Matic; Larence Otto (Burlington)	UT	3,000
Tom Wiseman (Sheffield)	UT	3,500
Village Oaks Homeowners Assn. (Blue Grass)	WS	550
Karl and Thelma Boylan d/b/a Boylan's Service (Northboro)	UT	1,800
Thomas M. Scheetz d/b/a The Depot Food N' Fuel (Oxford)	UT	2,300
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300

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Riverview Estates (Iowa City)	WS	275
Crabtree Lake Resort (Rhodes)	WW	5,400
Elmer R. Faust d/b/a Faust Garage & Grocery (Delaware)	UT	2,300
American Coals Corporation - Site #5 (Bussey)	SW/AQ	10,000
H.E.W., Inc. aka Hazardous Environmental Wastes, Inc. aka Algona Roofing & Insulation, Inc. (Algona)	AQ	5,000
Bankston, City of	WS	550
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Chicago & North Western Transportation Co. (Clay Co.)	WW/SW	10,000
Jim Foust (Indianola)	SW	2,175
Titan Wheel International, Inc. (Walcott)	WW	10,000
Ronald Sizemore and Mark Murphy (Eldora)	UT	3,200
Mike Murphy d/b/a Hawley Heating & Air (Keokuk)	AQ	10,000
Boomsma's Egg, Inc. (Alden/Galt)	AQ	10,000
George Dolan (Northwood)	UT	3,300
Woodbury County Highway Department (Woodbury Co.)	UT	4,000
Keith Owens and Howard Maurer (Wilton)	UT	3,100
Tom Babinat d/b/a Tom's Car Care (Grundy Center)	UT	3,600
Welch Oil, Inc. (Williams)	UT	10,000
Richard Beckett (Villisca)	UT	1,300
Gilmore City-Bradgate Comm. School Dist. (Gilmore City)	AQ	6,000
Henry and Randy Krohn d/b/a Krohn Const. (Waukee)	AQ/SW	4,000
James and Roxann Neneman; J&R Mini Mart (Council Bluffs)	UT	3,900
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Dennis Sharkey d/b/a Sharkey Bldg. Wrecking (Dubuque)	AQ	6,000
Richard Waugh d/b/a Dick's Apco Car Wash (Hampton)	UT	885
Sale-R-Villa Const., Inc. (Perry)	AQ	10,000
Otis Schultz d/b/a Schultz Oil Co. (Sac City)	UT	2,200
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
# Larry Royer (Guthrie Co.)	WW	1,000
Randy Ballard (Fayette Co.)	FP	2,000
Perry, City of	WW	10,000
Bacon Addition (Monticello)	WS	375
Dan Schwitters; Schwitters Enterprises (Cedar Rapids)	UT	600
Ferris Sullivan d/b/a Sullivan's Sinclair (Preston)	UT	2,000
Leonard Borman (Preston)	UT	2,000
Economy Solar Corp.; Jeffrey C. Intlekofer (Cedar Rapids)	AQ	10,000
Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals (Lee Co.)	HC/WW	10,000
Marvin Rozenboom (Mahaska Co.)	SW	3,000
Cumberland Ridge First Addition (North Liberty)	WS	550
Dan Peterson d/b/a Peterson Backhoe (Dumont)	AQ	3,000
Earth Media Technologies, Inc. (Polk Co.)	SW	3,000
Allison-Bristow Community School District (Allison)	AQ	5,000
Allison Fire Dept.; Allison, City of	AQ	5,000
Pilot Oil Corporation (Walcott)	WW/UT	5,000
Leonard C. Page (Adams Co.)	SW	3,000
Mark Twain Meadows Assoc. (Muscatine)	WS	900
White Oaks Homeowners Assn. (Ankeny)	WS	1,000
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Donald Krieger (Terrill)	UT	600
Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.)	WW	3,000
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Holiday Mobile Lodge, Inc. (Johnson Co.)	SW/AQ	2,000
Shell Rock Products, Inc. (Butler Co.)	SW/AQ	10,000
Colwell, City of	WS	200
E.L. Incorporated (Algona)	SW	5,000
Weber Construction, Inc. (Cascade)	AQ	4,000
Tri-County Bank & Trust (Cascade)	AQ	4,000
Central Community School District (DeWitt)	AQ	5,000
Jack Pinney Operations, Inc. (Sioux City)	AQ	4,000
# Gary Watson (Cerro Gordo Co.)	WW	2,500
Clay Contractors, Inc. (Spencer)	AQ	3,000
Vernon Kinsinger d/b/a K & K Sanitation (Washington Co.)	AQ/SW	10,000
Roy Burger (Gillette Grove)	UT	5,400
Ben Dawson (Appanoose Co.)	AQ/SW	5,000

E96Apr-13

Marvin Wernimont; Filter Friend Recycling (Buena Vista)	AQ/SW	2,000
Spencer Municipal Hospital (Spencer)	AQ	3,000
Massena, City of	WW	1,200
Westside Park for Mobile Homes (Burlington)	WW	3,000
Climax Molybdenum Company (Ft. Madison)	HC/AQ	10,000
Clarence, City of	WW	3,000
All-States Quality Foods (Charles City)	WW	5,000
Bill Shirbroun d/b/a Was Broken Pallet (Webster Co.)	AQ/SW	1,000
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	4,800
Hidden Valley Mobile Home Park (Washington)	WW	2,000
Jolly Roger Campground & Marina (North Liberty)	WW	1,000
Markley Knock d/b/a Knock's Bldg. Supply (Parkersburg)	AQ/SW	2,000
Ben Haven Mobile Home Park (Quasqueton)	WS	500
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800
Russell Stagg (Muscatine Co.)	AQ/SW	2,000
Eastern Iowa Tire Recycling, Inc. (Muscatine)	SW/WW	2,500
Edward Bodensteiner (Des Moines)	UT	3,200
Dallas County Care Facility (Adel)	WW	2,500
# Marlin Brenneman (Iowa Co.)	WW	3,000
Hide-A-Way Manor (Cedar Rapids)	WS	100
Mount Joy Mobile Home Park (Davenport)	WW	2,000
Louisa-Muscatine Community School (Letts)	WS	500
Davenport Travel Plaza (Walcott)	WS	250
TOTAL		495,001

The \$100 penalty assessed to Cheryl's (Hopkinton) has been rescinded.

The \$100 penalty assessed to Apostolic Christian Church of Oakville (Oakville) has been rescinded.

ATTORNEY GENERAL REFERRALS

April 1, 1996

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
AMPC Lytton (3)	Wastewater	Operational Violations	Referred to Attorney General	Referred	8/10/94
American Asbestos Training Center, Ltd. Cedar Rapids (1) Updated	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Continued	7/22/94 8/29/94
American Asbestos Training Center, Ltd. Waterloo (1) Updated	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Continued	3/21/94 8/29/94
DeCoster, A.J. Wright Co. (2) Updated	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Defendant's Pre-Answer Motions Filed State's Resistance Filed	7/17/95 1/23/96 3/06/96 3/27/96
Dunkel, Paul L. Delaware Co. (1)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed	6/19/95 2/16/96
Economy Solar Corp. Ft. Madison (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/21/94 8/29/94

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					Trial Date	11/06/95
					Ruling (\$1,600/Civil & Injunction)	11/30/95
					Notice of Appeal	1/03/96
Economy Solar Corp. Waterloo (1)	Updated	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Continued	3/21/94 8/29/94
Economy Solar Corp. Cedar Rapids (1)	Updated	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Continued	7/22/94 8/29/94
Economy Solar Corp./Central Community School DeWitt (6)		Air Quality	Asbestos	Referred to Attorney General	Referred	7/17/95
Ervin, Don Webster Co. (2)		Solid Waste	Operation Permit	Without Order/Penalty	Referred Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 7/13/90 9/28/90 11/27/90 11/30/90
			Permit Violations	Referred to Attorney General	Referred Temporary Injunction Order of Contempt Order Granting Stay Contempt Reversed (Court of Appeals) Application for Further Review Supreme Ct. Reversed Court of Appeals Order to Serve Sentence Application for Hearing Order Denying Reconsideration of Sentence Partial Consent Decree Consent Decree (\$1,000,000/Civil)	9/16/91 9/18/91 12/20/91 12/26/91 9/29/92 10/16/92 2/17/93 3/17/93 3/18/93 3/19/93 1/10/93 5/30/95
ESCORP/Cryotech Cedar Rapids (1)		Air Quality	Asbestos	Referred to Attorney General	Referred	7/17/95
Hahn, Oscar Solon (6)		Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred	12/18/95
Huyser, James; Trucking Lovilia (5)	Trust	Underground Tank	Site Assessment	Referred to Attorney General	Referred	11/21/94
Jarvis, Marjorie; Terry Strong		Underground			Referred	11/15/93

Council Bluffs (4)	Tank	Closure Investigation	Order	Petition Filed	2/14/94
Klocke, Paul and Mary Kay Carroll (4)	Flood Plain	Unauthorized Construction	Order	Referred	10/16/95
Lee, Harold and Evelyn Keokuk Co. (6)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	10/16/95
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94
Orrie's Supper Club, Inc. Hudson (1)	Drinking Water	Monitoring/Reporting; Lead & Copper	Order/Penalty	Referred	10/16/95
Owens & Owens Realty, Inc. Wilton (6) New	Underground Tank	DNR Defendant	Defense	Petition Filed	3/29/96
Plantation Village Mobile Home Park Burlington (6)	Wastewater	Monitoring/Reporting	Order/Penalty	Referred	10/16/95
Rayburn Court for Mobile Homes Mason City (2)	Drinking Water	Monitoring/Reporting; Lead & Copper	Order/Penalty	Referred Petition Filed	11/21/94 5/02/95
Reed, Verna and Don; Andrea Silsby Union Co. (4)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Default Judgment	6/20/94 8/10/94 12/12/94
Relative, Inc.; Doug Smuck Des Moines (5)	Underground Tank	Insurance Violation	Order/Penalty	Referred Petition Filed	10/17/94 5/12/95
Underwood, Paul d/b/a Underwood Excavating and Demolition Cedar Rapids (1)	Air Quality	Asbestos	Order/Penalty	Referred	5/15/95
Waterloo Community School District Waterloo (1) Updated	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Partial Consent Decree (\$12,000/Civil & Injunction)	3/21/94 8/29/94 3/28/96
Wunschel Oil Co.; Vernus, Jaquellyn and Mark Wunschel Ida Grove (3)	Underground Tank	Site Assessment	Order/Penalty	Referred	1/17/95

CONTESTED CASES April 1, 1996					
1-23-86	Oelwein Soil Service	Administrative Order	WW	Murphy	Hearing continued; additional testing being done.
6-08-89	Shaver Road Investments	Site Registry	HW	Kennedy	Draft consent order under review by EPA.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Kennedy	Draft consent order under review by EPA.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
10-24-89	Farmers Cooperative Elevator Assoc. of Sheldon	Site Registry	HC	Kennedy	Consent order signed. Awaiting appeal dismissal. Letter regarding dismissal-12/2/95.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed.
5-14-90	Alter Trading Corp. (Council Bluffs)	Administrative Order	SW	Kennedy	EPD considering public hearings.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up with EPD regarding status-2/96.
7-02-90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; and Howard Pixler	Site Registry	HW	-----	Decision appealed (Pixler).
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing continued.
9-12-90	Michael & Joyce Haws; George H. Gronau	Administrative Order	UT	Wornson	New party has assumed liability. Will dismiss case upon completion of SCR. SCR completed - payment dispute with consultant. Settlement meeting scheduled - 3/96.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Wornson	Evaluating inability to pay - UST fund eligibility.
12-03-90	United States Gypsum Co.; Smitty's Oil	Site Registry	HC	Preziosi	Negotiating before filing.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SW	Kennedy	Amended order issued 1/11/96.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SW	Kennedy	Hearing continued. Clean-up continuing 3/96.
5-20-91	Great Rivers Coop-Lockridge	Site Registry	HC	Murphy	Settlement proposed.

9-25-91	Archer Daniels Midland	Administrative Order	SW	Kennedy	DNR engineers reviewing documents.
1-17-92	Hickory Hollow Water Co.	Administrative Order	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept. response on 8/3/93. Facility response 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued for fluoride removal. Facility to be installed by 10/30/94. Letter to attorney regarding appeal closure.
1-30-92	Center Oil Co., Inc.	Administrative Order	HC	Murphy	Negotiating before filing.
4-09-92	Wayne Transports, Inc.	Administrative Order	WW	Murphy	Negotiating before filing.
4-15-92	Mulgrew Oil Co.	Administrative Order	HC	Wornson	Settlement letter sent 8/31/94. SCR completed. Low risk monitoring site.
4-24-92	Charles A. Kerr	Administrative Order	UT	Wornson	Financial inability claimed. Warning letter sent 1/25/95.
5-05-92	Plymouth Cooperative Oil Co.	Administrative Order	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-15-92	Heartland Lysine, Inc.	Tax Certification	AQ	Preziosi	Negotiating before filing.
5-27-92	Beckett Chevrolet-Olds	Administrative Order	UT	Wornson	Financial inability claimed. Claimant completing financial documents.
6-23-92	Chickasaw County Board of Supervisors, Chickasaw County Sanitary Landfill	Administrative Order	SW	Kennedy	County to include closing in FY 1997 budget. Letter regarding budget sent 12/19/95.
8-06-92	Randy Bonin and Vickie Brannick	Administrative Order	SW	Kennedy	Clean-up progress is slow. Appellant's attorney to reply by 3/1/96.
8-24-92	Dean Hoeness d/b/a Hoeness & Sons	Administrative Order	UT	Wornson	Financial inability claimed. Insufficient documentation.
9-21-92	ITWC	Administrative Order	AQ	Preziosi	Awaiting results of F.O. 5 site inspection.
9-22-92	King's Terrace MHP	Administrative Order	WW	Hansen	8/94-Letter to facility regarding resolution of appeal. Follow-up letter 3/96.
10-06-92	Lloyd Decker	Administrative Order	SW	Kennedy	Hearing continued. Clean-up progressing. Next action 5/10/96.
11-16-92	Frank Hulshizer	Administrative Order	SW	Kennedy	Amended order issued 1/11/96.

12-14-92	Quantum	Permit Conditions	WW	Hansen	3/30/93 Dept. settlement offer made. 5/03/93 response from company. Company collecting data. Company response submitted 12/93. EPD to review information regarding permit calculations.
1-22-93	Pirelli Armstrong Tire Co.	Administrative Order	SW	Kennedy	F.O. 5 to meet with company 2/26/96 regarding land application.
3-09-93	William James d/b/a Bill James Agencies	Administrative Order	SW	Kennedy	Appeal withdrawn 3/96.
4-05-93	Mapleton, City of	WW Operator Certification	WW	Hansen	Under review by EPD. Appeal discussion with EPD staff.
4-12-93	LeMars, City of	Administrative Order	WW	Hansen	Construction permit issued. Schedule submitted by City for remaining construction found unacceptable. Request for acceptable schedule - 1/31/96.
4-19-93	Council Bluffs, City of	Permit Conditions	WW	Hansen	Under review by EPD.
4-21-93	Donald Udell	Administrative Order	SW	Kennedy	Clean-up completed. Penalty settlement due.
4-26-93	Crane Co.	Administrative Order	SW	Kennedy	DNR engineers meeting with company.
6-21-93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Hearing set for 5/10/96.
7-06-93 7-28-93	Dennis E. Good Berniece K. Nease	Administrative Order	UT	Wornson	1/25/96-Letter to parties regarding new UST Fund Innocent Owner Fund and requesting settlement conference.
7-09-93	Oakwood Park Water, Inc.	Administrative Order	WS	Hansen	Construction permit issued 2/94. Facility to be installed by 11/30/94. Letter to attorney regarding appeal resolution - 3/96.
7-20-93	U.S. Dept. of Defense	Administrative Order	UT	Wornson	SCRs on the site and several others underway. Settlement with City of Sioux City.
8-03-93	Waldo Vannoy	Administrative Order	UT	Wornson	Negotiating before filing.
8-24-93	Green Valley Chemical	Permit Conditions	WW	Hanson	Survey completed. Meeting to discuss survey 9/11/94. Reviewed by EPD 3/96. Settlement letter and revised permit to facility.
9-09-93	Ames Transit Authority	Permit Conditions	AQ	Preziosi	Settled.
10-15-93	Bedford, City of	Plant	WW	Hansen	Review appeal with EPD and FO.

		Classification			
11-15-93	J.P. Scherrman, Inc.	Administrative Order	UT	Wornson	SCR accepted. Penalty letter sent 6/14/95. No response received.
11-16-93	Iowa Southern Utilities	Permit Conditions	AQ	Preziosi	Awaiting summary of issues from attorney.
12-13-93	Lester R. Davis and Evelyn McKelvogue	Administrative Order	AQ/SW	Kennedy	Satisfactory clean-up complete. Hearing set for 5/03/96.
12/23/93	Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel	Administrative Order	AQ	Preziosi	Negotiating penalty. Settlement close.
1/06/94	L.F. Everett and Betty Everett	Administrative Order	AQ	Preziosi	Negotiating before filing.
1-07-94	Eli Shada	Administrative Order	UT	Wornson	SCR received 1/18/96; under review. Penalty settlement pending.
1-18-94	M & D Tire Processing, Inc.	Administrative Order	SW	Kennedy	Clean-up progressing. Penalty settlement pending.
1-18-94	Merrill, City of	Administrative Order	AQ	Preziosi	Awaiting documentation and penalty payment.
1-20-94	Gene Phillips d/b/a Phillips Sanitation	Administrative Order	AQ	Preziosi	Negotiating before filing.
1-27-94	Archer-Daniels-Midland	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2-02-94	John Deere Waterloo Works	Tax Certification	WW	Hansen	Letter to company regarding appeal - 3/96.
2-14-94	Economy Solar Corp. (94-AQ-04)	Administrative Order	AQ	Preziosi	Judicial review decision received in favor of DNR. No further appeal filed.
2-15-94	Riverside Plating	Administrative Order	WW	Hansen	Settlement offer received from company regarding penalty 2/96. Dept. letter to company regarding settlement.
2-21-94	Toys "R" Us	Administrative Order	UT	Wornson	SCR received. Negotiating penalty.
2-28-94	Coastal Mart - Davenport	Administrative Order	UT	Wornson	Deficient SCR. Letter sent. Penalty on appeal.
3-03-94	Burlington Northern Railroad	Tax Certification	WW	Hansen	3/96 - Letter to company regarding appeal.
3-08-94	Country Stores of Carroll, Ltd.; Elite Ltd.; Roger Kanne; James Pietig (Logan) (Coon Rapids)	Administrative Order	UT	Wornson	All SCRs received. Settlement meeting 2/5/95. DNR response due.
4/19/94	Galva Union Elevator Co.	Administrative Order	UT	Wornson	Negotiating penalty.

5/10/94	Dennis Malone; Joanne Malone	Administrative Order	UT	Wornson	Untimely appeal. No closure as of 2/96.
5/27/94	Joseph L. Ranker; Daryl Hollingsworth	Administrative Order	UT	Wornson	Insurance to qualify for remedial benefits unpaid. Issued second Admin. Order for failure to register.
6-03-94	Maquoketa, City of	Administrative Order	WW	Hansen	11/4/94 - Construction permit issued for new facility. Construction of SBR units completed-working well. 1/8/96 - Letter from City requesting order be closed. Dept. response regarding closing order and dismissing appeal 3/20/96.
6-08-94	Larry & Kelly Miller	Administrative Order	UT	Wornson	SCR accepted 1/26/96. Negotiating penalty.
6-15-94	Lakeview Heights	Permit Conditions	WS	Hansen	Facility proposal under review by WS. DNR response to appeal - 4/96.
6-20-94	R.D.J. Farms and Donald Vogt	Administrative Order	UT	Wornson	SCR accepted - negotiating penalty.
6-24-94	Griffith Oil Corp.	Administrative Order	UT	Wornson	SCR accepted - negotiating penalty.
6-24-94	Larence Otto	Administrative Order	UT	Wornson	SCR approved 2/1/96. Follow-up letter - 4/96.
7-07-94	Rose Bar Tire Shredding	Administrative Order	SW	Kennedy	In bankruptcy. 1/96 Working on fire lanes.
7-12-94	Tom Wiseman	Administrative Order	UT	Wornson	Appeal untimely. Follow-up letter - 2/96.
7-15-94	Village Oaks Homeowners	Administrative Order	WS	Hansen	WS reviewed file for compliance. 2/96 - in compliance and eligible for reduced monitoring.
7-25-94	ACC Chemical Co.; Getty Chemical Co.	Permit Conditions	WW	Hansen	Appeal settled. Revised permit accepted by appellants. Sent to EPA for review 12/95. EPA response approving permit received. Permit issued 2/96.
8-12-94	Karl and Thelma Boylan d/b/a Boylan's Service	Administrative Order	UT	Wornson	Inability to pay. Failed to return required documentation. Follow-up letter - 2/96.
8-18-94	Thomas Scheetz d/b/a The Depot Food & Fuel	Administrative Order	UT	Wornson	SCR accepted - negotiating penalty.
8-29-94	Atlantic, City of	Administrative Order	WW	Hansen	Under review by EPD. Contacted EPD and FO regarding appeal resolution.
8-29-94	B and B Tire and Oil	Administrative Order	UT	Wornson	SCR accepted - negotiating penalty.

8-30-94	HWH Corporation	Permit Denial	AQ	Preziosi	Settled.
9-01-94	Elmer R. Faust d/b/a Faust Garage & Grocery	Administrative Order	UT	Wornson	SCR accepted - negotiating penalty.
9-02-94	Crabtree Lake Resort	Administrative Order	WW	Hansen	Facility in compliance.
9-06-94	HEW, inc.	Administrative Order	AQ	Preziosi	3/1/96 - Amended order to be issued.
9-09-94	American Coals Corp.	Administrative Order	SW/AQ	Kennedy	Bankruptcy filed. Phone conversation regarding reorganization 1/23/96.
9-15-94	Bankston	Administrative Order	WS	Hansen	1/95 - Information from City. Compliance initiated. Respond to City regarding settlement.
9-16-94	Wunschel Oil Co.; Vernus Wunschel; Jacquelyn Wunschel; Mark Wunschel (Ida Grove)	Administrative Order	UT	Wornson	Consent order. SCR received. Revisions to SCR required - overdue. Follow-up letter sent 2/26/96.
9-23-94	Chicago and Northwestern Transportation	Administrative Order	SW/WW	Murphy	Negotiating before filing.
9-26-94	James D. Foust	Administrative Order	SW	Kennedy	Settlement offer made 1/23/96. FO rejected offer.
10-07-94	Titan Wheel International	Administrative Order	WW	Hansen	Revised BMR report submitted/reviewed by WW Permits. Letter to facility regarding report.
10-17-94	First United Methodist Church	Administrative Order	AQ	Preziosi	Consent order signed. Settled 3/11/96.
10-19-94	Ronald Sizemore; Mark Murphy	Administrative Order	UT	Wornson	Inability to pay documented. Review for UST Fund Innocent Owner or LUST Trust Fund.
10-25-94	Mike Murphy d/b/a Hawley Heating & Air	Administrative Order	AQ	Preziosi	Consent order being finalized.
10-26-94	Boomsma's Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
10-27-94	George Dolan	Administrative Order	UT	Wornson	SCR accepted - negotiating penalty.
10-31-94	Woodbury Co. Highway Dept.	Administrative Order	UT	Wornson	SCR received - negotiating penalty.
10-31-94	Owens & Owens Realty, Inc.; Keith Owens; Howard Maurer	Administrative Order	UT	Wornson	Proposed decision 10/5/95. Appealed 11/3/95. EPC confirmed 2/19/96. Decision appealed 3/29/96.
11-02-94	Richard Waugh	Administrative Order	UT	Wornson	Site check received - negotiating penalty.

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11-07-94	Jerry Smith; Norma S. Nelson	Permit Issuance	FP	Clark	Proposed decision 12/07/95. No appeal. Petition for judicial review 1/22/96.
11-10-94	Williams Pipeline Company	Permit Denial	AQ	Preziosi	Negotiating before filing.
11-14-94	Tom Babinat d/b/a Tom's Car Care	Administrative Order	UT	Wornson	Inability to pay - request documentation.
11-28-94	Richard Beckett	Administrative Order	UT	Wornson	Referral to UST Fund. Follow-up - 3/96.
12-14-94	Campbell Clean-Up Service	Permit Denial	AQ	Preziosi	Negotiating before filing.
1-10-95	Steamboat Rock	Administrative Order	WS	Hansen	2/95 - Settlement offer by City and response by Dept. 4/95 - Dept. letter to City regarding settlement. 5/95-construction approved by WS section for chlorination equipment. 1/17/96 - Letter to City regarding resolution of appeal. No response as of 2/28/96. Dept. follow-up letter - 3/96. Requested response from City by 4/15/96.
1-11-95	Henry and Randy Krohn d/b/a Krohn Construction	Administrative Order	AQ/SW	Kennedy	Settlement offer made. FO rejected offer.
1-13-95	James and Roxann Neneman	Administrative Order	UT	Wornson	Inability to pay. Forms sent. No response. Follow-up - 3/96.
1-13-95	Simonsen Industries, Inc.	Administrative Order	WW	Hansen	2/28/95 - Submittal by facility's engineer regarding land application of sludge. Under review by WW permits staff.
2-23-95	Lehigh Portland Cement	Permit Conditions	WW	Hansen	Informal settlement meeting scheduled for 4/17/96.
2-27-95	Sale-R-Villa Construction	Administrative Order	AQ	Preziosi	Negotiating before filing.
3-23-95	American Coals Corp.	Administrative Order	SW	Kennedy	In bankruptcy. Phone conversation 1/23/96 regarding reorganization.
4-13-95	The Weitz Corp.; Barton Solvents, Inc.	Administrative Order	HC	Kennedy	Informal meeting scheduled for 4/25/96.
4-19-95	Otis Schultz d/b/a Schultz Oil Co.	Administrative Order	UT	Wornson	SCR accepted - negotiating penalty.
4-21-95	Randy Ballard	Administrative Order	FP	Clark	Judgment on default; order affirmed 3/8/96.
4-26-95	Larry Royer	Administrative Order	WW	Clark	Settlement letter 1/10/96.
4-28-95	Perry, City of	Administrative Order	WW	Hansen	Proposed consent order to City 2/15/96. Response received

					3/15/96. DNR response 3/29/96.
5-03-95	Bacon Addition Homeowners Assn.	Administrative Order	WS	Clark	Settlement contact 1/10/96.
5-04-95	M & W Mobile Home Park	Administrative Order	WW	Kennedy	Letter requesting construction schedule - 12/95. Response unsatisfactory. Hearing set for 5/17/96.
5-05-95	C & O Recycling Enterprises; Douglas W. Owen	Permit Denial	AQ	Preziosi	Negotiating before filing.
5-23-95	Leonard Bormann	Administrative Order	UT	Wornson	SCR received 10/26/95. Free product report overdue. Follow-up - 3/96.
5-25-95	Ferris Sullivan d/b/a Sullivan's Sinclair	Administrative Order	UT	Wornson	Revised SCR received - negotiating penalty.
5-25-95	Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals	Administrative Order	HC/WW	Kennedy	Hearing set for 5/10/96. Clean-up continuing.
5-25-95	E.I. DuPont DeNemours (95-A-133)	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
5-30-95	Economy Solar Corp.; Jeffrey C. Intlekofer (95-AQ-14)	Administrative Order	AQ	Preziosi	Negotiating before filing.
5-30-95	Earth Media Technologies	Administrative Order	SW	Kennedy	In the process of clean-up.
5-31-95	E.I. DuPont DeNemours (91-A-266 thru 91-A-269)	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
6-06-95	Doolittle Oil Co., Inc.	Administrative Order	UT	Wornson	Settlement meeting 1/96. DNR response due.
6-07-95	Cumberland Ridge Homeowners	Administrative Order	WS	Kennedy	Awaiting penalty payment - due 3/1/96.
6-09-95	Don Peterson d/b/a Peterson Backhoe	Administrative Order	AQ	Preziosi	Settlement close.
6-14-95	Salsbury Chemicals	Permit Conditions	WW	Hansen	Informal meeting held 12/4/95. Company response 1/26/96. Review by WW permits completed 3/21/96.
6-16-95	Allison-Bristow Community School	Administrative Order	AQ	Preziosi	Negotiating before filing.
6-16-95	Allison Fire Dept.; City of Allison	Administrative Order	AQ	Preziosi	Negotiating before filing.
6-16-95	Pilot Oil Corporation	Administrative Order	WW/UT	Murphy	Negotiating before filing.
6-20-95	Toledo, City of	Permit Conditions	WW	Hansen	WW permits to negotiate settlement. Status of

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					negotiations requested 1/9/96.
6-23-95	Leonard C. Page	Administrative Order	SW	Kennedy	Penalty settlement due 2/15/96.
6-29-95	White Oaks Homeowners Assn.	Administrative Order	WS	Hansen	Informal meeting held 3/8/96.
7-05-95	Boyer Valley Co.	Administrative Order	WW	Hansen	Informal meeting scheduled 3/96.
7-10-95	Donald Krieger	Administrative Order	UT	Wornson	Tanks removed. Report due.
7-10-95	Gilbert Persinger	Administrative Order	UT	Wornson	SCR received - rejected. Review progress - 4/96.
7-13-95	Organic Technologies Corp.	Administrative Order	SW	Kennedy	Hearing set for 4/29/96.
7-28-95	Harold T. Knott; James C. Knott	Administrative Order	UT	Wornson	Negotiating before filing.
8-01-95	Wilbur McNear d/b/a McNear Oil Co.	Administrative Order	UT	Wornson	SCR not received as of 2/29/96.
8-18-95	Holiday Mobile Lodge, Inc.	Administrative Order	AQ/SW	Kennedy	Appellant's attorney reply due 2/29/96.
8-18-95	Redmond Enterprises, Inc.	Administrative Order	UT	Wornson	Compliance initiated.
8-24-95	Shell Rock Products, Inc.	Administrative Order	AQ/SW	Kennedy	Negotiating before filing.
8-29-95	Iowa City, City of	Administrative Order	WW	Hansen	Schedule for amended AO agreed upon. Settled 3/15/96.
9-06-95	Kraft Foods Inc.; Oscar Mayer Division	Variance Denial	WW	Hansen	Informal meeting held 10/10/95. Information to be submitted by Kraft to WS section. Follow-up letter requesting information sent 1/12/96. Letter 2/19/96 granting additional time for information.
9-12-95	Colwell, City of	Administrative Order	WS	Hansen	12/21/95 - Letter to City requiring 2nd round monitoring/reporting prior to penalty reduction discussions. 3/31/96 - no response from City.
9-20-95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	Administrative Order	WW/HC	Murphy	Negotiating before filing.
10-03-95	Jerry McElmeel d/b/a McElmeel & Sons Construction	Administrative Order	AQ	Preziosi	Settlement close.
10-09-95	E.L. Incorporated	Administrative Order	SW	Kennedy	Appellant no longer accepting waste. Renewal permit may be requested.

10-17-95	Tri-County Bank	Administrative Order	AQ	Preziosi	Negotiating before filing.
10-17-95	Weber Construction, Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
10-20-95	Central Community School District	Administrative Order	AQ	Preziosi	Settlement meeting 4/10/96.
11-02-95	Salsbury Chemicals, Inc.	Permit Conditions	WW	Hansen	Informal meeting held 12/4/95. Company response 1/26/96. Review by WW permits completed 3/21/96.
11-03-95	Jack Pinney Operations, Inc. aka Jack Pinney Grading	Administrative Order	AQ	Preziosi	Settlement close.
11-14-95	Larson Contracting, Inc.	Administrative Order	AQ/SW	Kennedy	Penalty paid 3/4/96. Settled.
11-14-95	Mike Barker	GW Professional Denial	UT	Wornson	Settlement negotiations underway.
12-01-95	Clay Contractors, Inc.	Administrative Order	AQ	Preziosi	Settlement meeting 4/10/96.
12-12-95	Vernon Kinsinger; K & K Sanitation	Administrative Order	AQ/SW	Kennedy	Informal meeting to be held after 3/12/96.
12-13-95	Roy Burger	Administrative Order	UT	Wornson	Compliance complete - negotiating penalty.
12-18-95	Omega Cabinets	Permit Denial	AQ	Preziosi	Settlement close.
12-27-95	Ag Processing, Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing.
12-28-95	Marvin Wernimont; Filter Friend Recycling	Administrative Order	AQ/SW	Kennedy	Negotiating before filing.
12-29-95	Spencer Memorial Hospital	Administrative Order	AQ	Preziosi	Negotiating before filing.
1-04-96	Catherine E. Meredith	Administrative Order	UT	Wornson	Current owner to complete SCR.
1-04-96	Massena, City of	Administrative Order	WW	Clark	Negotiating before filing.
1-08-96	Westside Park for Mobile Homes	Administrative Order	WW	Hansen	Past due monthly monitoring reports submitted to FO 6.
1-11-96	Climax Molybdenum Company	Administrative Order	AQ/HC	Preziosi	Negotiating before filing.
1-12-96	Clarence, City of	Administrative Order	WW	Hansen	1/96 - Facility inspected by FO 6. Negotiating before filing.
1-17-96	All-States Quality Foods, L.P.	Administrative Order	WW	Murphy	Negotiating before filing.

1-18-96	Neola Light & Water	Administrative Order	WS	Hansen	Informal meeting held 3/4/96.
1-19-96	Bill Shirbroun d/b/a Was Broken Pallet	Administrative Order	AQ/SW	Kennedy	Negotiating before filing.
1-22-96	Daryl Hollingsworth and Karen Hollingsworth d/b/a Medora Store	Administrative Order	UT	Wornson	Negotiating before filing.
1-24-96	Jolly Roger Campground	Administrative Order	WW	Clark	Negotiating before filing.
1-25-96	Hidden Valley Mobile Home Park	Administrative Order	WW	Clark	Negotiating before filing.
1-25-96	Markley Knock d/b/a Knock's Building Supply	Administrative Order	AQ/SW	Kennedy	Negotiating before filing.
1-30-96	Dean Williams d/b/a Williams Oil Co.	Administrative Order	UT	Wornson	Negotiating before filing.
1-31-96	Ben Haven Mobile Home Court	Administrative Order	WS	Hansen	2/14/96 - letter to facility regarding status of appeal. As-built construction permit application under review.
2-06-96	Russell Stagg	Administrative Order	AQ/SW	Kennedy	Negotiating before filing.
2-12-96	Solid Waste Management Commission of Marshall County	Tonnage Fees	SW	Kennedy	Sent to DIA 3/8/96.
2-13-96	Eastern Iowa Tire Recycling	Administrative Order	WW/SW	Kennedy	Sent to DIA.
2-20-96	Center Point	Permit Conditions	WW	Hansen	2/96 - Settlement offer and revised permit sent.
3-04-96	Edward Bodensteiner	Administrative Order	UT	Wornson	New case.
3-04-96	Ames, City of	Permit Conditions	WS	Hansen	New case. Informal meetings held 3/22/96 and 3/28/96.
3-04-96	R.R. Donnelley Printing Co., L.P.	Permit Denial	AQ	Preziosi	New case.
3-05-96	Montgomery County	Open Burning Variance Denial	AQ	Preziosi	New case.
3-11-96	Dallas County Care Facility	Administrative Order	WW	Hansen	New case.
3-11-96	Marlin Brenneman	Administrative Order	WW	Clark	New case.
3-14-96	Laurel, City of	Administrative Order	WW	Hansen	New case.
3-14-96	Lamoni, City of	Administrative	WW	Hansen	New case.

		Order			
3-15-96	Hide-A-Way Mobile Home Park	Administrative Order	WS	Hansen	New case.
3-19-96	Obie's West	Administrative Order	WS	Hansen	New case.
3-22-96	Mt. Joy Mobile Home Park	Administrative Order	WW	Hansen	New case.
3-25-96	Case Corporation (Burlington)	Permit Conditions	WW	Hansen	New case.
3-26-96	Louisa-Muscatine Community School	Administrative Order	WS	Hansen	New case.

Mr. Stokes reviewed the routine monthly reports noting that the rules dealing with landfill liners will come before the Commission next month. Mr. Stokes stated that the variance for Chelsea dealt with approval for open burning of disaster waste. He related that an ad hoc group held a meeting in Atlantic on the entire issue of what to do with that type of waste, and landfill representatives indicated that diverting it from the landfill could possibly cause some landfills to increase their tipping fees.

Discussion followed in regard to costs of hauling and landfilling C & D waste, and the wastes being diverted from the landfill. Mr. Stokes stated that staff will try to develop some rule changes to address these problems.

INFORMATIONAL ONLY

APPOINTMENT - REGINA THIERRY

Eric Hawbaker, Attorney representing Ken and Regina Thierry, spoke regarding a problem with a discharge permit that was granted for a proposed sewage lagoon near Washburn. He noted that the discharge route from the lagoon will go down a creek, along East Washburn Road, through Thierry Lake, into Miller Creek and on down to the Cedar River. He related that they have spoken with county officials to discuss alternate discharge routes, but the route that was approved is the one that goes through Thierry Lake. Mr. Hawbaker distributed copies of information on other areas around the country that have lagoons, as well as a statement from a lagoon operator indicating he would not appreciate discharge going through his property or on to a lake. Mr. Hawbaker indicated that there are no other NPDES permits in the state that allow discharge through a private lake. He discussed the alternative routes and indicated that he and the Thierry's believe this is an environmental problem and would like to force preventing discharge along this route.

Terrance Townsend asked if there are times when the stream is dry.

Mrs. Thierry stated that there have been times when the lake has been dry, and at those times the lagoon discharge would be the only flow coming into the lake.

Mr. Hawbaker noted that if the lake is not dry it would be the first chance for mixing or dilution but it has been dry since last fall.

Rozanne King asked if there were any circumstances why this route was chosen.

Mr. Hawbaker stated that he does not know why the county decided to build the sewer treatment facility at that specific location and he does not think they gave much thought to the route of discharge, nor were they concerned about it at the beginning.

Pat Rottinghaus, neighbor to the Thierry's, stated that the residents along the stream have buffer strips and want to protect it, adding that he never hauls manure within 250 yards of the stream. He expanded on how all of the neighbors take care of the land to protect the stream.

Mr. Hawbaker stated that Thierry Lake should be a Class A waterway and the Thierry's are trying to get it classified as such.

Mr. Thierry stated that the county presented only one route to the DNR on their NPDES permit application. Mrs. Thierry indicated that they have talked to the county about alternative routes and are now looking to DNR to make the decision.

William Ehm asked what the process is for the Commission if they want to look further into the situation.

Mike Murphy, Enforcement and Compliance Bureau, stated that there is already an ongoing proceeding on this because the Thierry's have filed a Petition for Declaratory Ruling asking how the antidegradation policy applies, and issues regarding the classification of the water bodies. He related that the Commission will be receiving much more information on this at next month's meeting, adding that the department should be able to issue the ruling within the next couple of weeks. He noted that if the Thierry's do not get a favorable ruling they have the opportunity to appeal it to the Commission. Mr. Murphy indicated that the Thierry's requested a Stay of Issuance for the permits but staff did not feel they had the authority to do that. He noted that the county had received a large grant to fund this project and stand to lose the FEMA funds if the project is not approved. He added that the department has to review the project as presented, and unless there is an obvious environmental problem with it, staff cannot force them to go a different direction. Mr. Murphy noted that the county will not be discharging for at least a year and it will leave plenty of opportunity for everyone to review the situation.

Mr. Stokes stated that if the Commission makes the decision to delay or not issue the permit to the county, the department would have to revoke the discharge permit that has been issued to them. He related that such an action could open the possibility of a contested case from the county in appeal to the Commission for denial of the permit. If the department modifies the permit to require an alternate discharge location, the county might possibly appeal that

condition. If the case moves through the court system, the courts would look at applicable rules to determine if the department has authority to deny a discharge permit to the particular receiving stream. Mr. Stokes indicated that the crux of the matter seems to hinge around whether the stream is appropriately classified. He related that the department feels it is correctly classified and there is nothing inconsistent with issuing a discharge permit for this facility.

Director Wilson asked if the Declaratory Ruling will address only the NPDES permit rather than the discharge route.

Mr. Murphy stated that it will relate to: 1) how the departmental rules and Antidegradation Policy should be interpreted; 2) to the route; 3) to classification of the stream; and 4) to the receiving stream. He indicated that there is a third party that has a lot at stake in this issue.

Terrance Townsend commented that it does not make common sense for the first stop on the route to be a private lake.

Kathryn Draeger asked to have the staff person who issued the permit present at next month's meeting.

Discussion followed regarding the procedure on how to get the lake classified as a Class A stream. Director Wilson noted that the staff will send the Thierry's a letter outlining the procedure for stream classification.

Mr. Stokes pointed out that classification as a Class A stream would not in itself stop the waste water from going to that location, it would only require increased treatment to the water. He also noted that discharge would take place only twice a year, once in the spring and once in the fall, which are times when there is normally a high water flow.

Gary Priebe stated that it is not a flowable lake and the effluent should not be allowed to run through a road ditch. He stressed that the sooner the issue is addressed by the Commission, the better, as it should be done before they go ahead and build.

PUBLIC PARTICIPATION

Chairperson King announced Public Participation at 12:20 p.m.; no one requested to speak.

PROPOSED RULE--CHAPTER 23, WAIVER OF OPEN BURNING SEPARATION DISTANCE REQUIREMENT

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The purpose of these amendments is to make consistent the provisions of two of the exemptions to the Department's rule prohibiting open burning. Both 567 I.A.C. 23.2(3)"b" and 567 I.A.C.

23.2(3)"i" prohibit the use of an exemption where the burn site is within one-fourth mile of the inhabited structures specified in the subrule, but 23.2(3)"i" allows the owners of the inhabited buildings within one-fourth mile of the burn site to waive their rights under the rule by submitting a written affidavit to the Department prior to the open burning. This amendment to rule 23.2(3)"b" would change the rule to allow that owners of inhabited buildings within one-fourth mile of a burn site falling within the provisions of rule 23.2(3)"b" also could waive their rights through a written affidavit submitted to the Department.

This proposed rule is being provided to the Commiussion for information only at this time. The Commission will be asked to approve a Notice of Intended Action at their May meeting.

ENVIRONMENTAL PROTECTION COMMISSION[567]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 23, "Emission Standards for Contaminants."

The purpose of these amendments is to make consistent the provisions of two of the exemptions to the Department's rule prohibiting open burning. Both 567 I.A.C. 23.2(3)"b" and 567 I.A.C. 23.2(3)"i" prohibit the use of an exemption where the burn site is within one-fourth mile of the inhabited structures specified in the subrule, but 23.2(3)"i" allows the owners of the inhabited buildings within one-fourth mile of the burn site to waive their rights under the rule by submitting a written affidavit to the Department prior to the open burning. This amendment to rule 23.2(3)"b" would change the rule to allow that owners of inhabited buildings within one-fourth mile of a burn site falling within the provisions of rule 23.2(3)"b" also could waive their rights through a written affidavit submitted to the Department.

Any person may make written suggestions or comments regarding the proposed amendments on or before July 9, 1996. Written comments should be directed to Anne Preziosi, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50309-0034, fax 515-281-8895.

A public hearing will be held on _____ at _____ in _____, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa, at which time comments may be submitted orally or in writing. Any persons who intend to attend a public hearing and have special requirements, such as hearing or mobility impairments, should contact the Department of Natural Resources to advise the Department of those specific needs.

These amendments may impact small businesses.

These amendments are intended to implement Iowa Code section 455B.133.

The following amendments are proposed.

ITEM 1 Amend the first paragraph of subrule 23.2(3)"b" as follows:

b. Trees and tree trimmings. The open burning of trees and tree trimmings not originated on the premises provided that the burning site is operated by a local governmental

entity, the burning site is fenced and access is controlled, burning is conducted only when weather conditions are favorable with respect to surrounding property, and the burning site is limited to areas at least one-quarter mile from any inhabited building unless a written waiver in the form of an affidavit is submitted by the owner of the building to the department and to the local governmental entity prior to the open burning. However, when the open burning of trees and tree trimmings causes air pollution as defined in Iowa Code section 455B.131(3), the department may take appropriate action to secure relocation of the burning operation. Rubber tires shall not be used to ignite trees and tree trimmings.

Mr. Stokes explained details of the rule.

Brief discussion followed.

INFORMATIONAL ONLY

NOTICE OF INTENDED ACTION--CHAPTER 20 AND 22, POTENTIAL TO EMIT FOR GRAIN ELEVATORS AND EMERGENCY GENERATORS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached Notice of Intended Action to amend Chapter 20, "Scope of Title - Forms - Rules of Practice," and Chapter 22, "Controlling Pollution," 567 Iowa Administrative Code.

The purpose of this rule-making is to amend the definition of "potential to emit" pertaining to construction permits and Title V operating permits, as the term specifically applies to country grain elevators and emergency generators. "Potential to emit" is defined in the Clean Air Act. The United States Environmental Protection Agency has provided guidance which relaxes the definition for country grain elevators and emergency generators.

Under current rule, potential to emit for these sources is a throughput estimate based upon year-round operation of the sources at the sources' maximum rate of operation. However, unique inherent physical limitations and operational design features restrict the potential emissions of country grain elevators and emergency generators. If these limitations are not taken into account, potential emissions for these sources could be overestimated. Country grain elevators and emergency generators to which the amended definitions apply may not need a Title V operating permit and may not need to pay the Title V fee.

One change was made to this rule-making since the draft was presented for information in March, 1996. Items 1 and 3 of the draft stated that potential to emit for emergency generators "means the maximum number of hours the emergency generator could operate per year, taking into account the number of hours electric utility power would be expected to be unavailable and the number of hours for maintenance activities." This statement has been revised by changing

the word "year" to the phrase "twelve month rolling period". This change was made in response to a U.S. EPA, Region VII comment which stated that "per year" conflicts with Iowa's amended definitions effective October 18, 1995, and that the rolling period language is necessary, to maintain consistency and to avoid needing to wait for up to one year to verify an exceedance.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 20, "Scope of Title - Definitions - Forms - Rules of Practice," and Chapter 22, "Controlling Pollution," 567 Iowa Administrative Code.

Item 1 adds the definitions of "country grain elevator," "emergency generator," and "potential to emit" to 567--20.2, pertaining to construction permits. This item also adds definitions of "potential to emit" as the term specifically applies to country grain elevators and emergency generators.

Item 2 adds the definitions of "country grain elevator" and "emergency generator" to 567--22.100, pertaining to Title V Operating Permits.

Item 3 amends the Title V definition of "potential to emit" as the term specifically applies to country grain elevators and emergency generators. Under current rule, potential to emit for these sources is a throughput estimate based upon year-round operation of the sources at the sources' maximum rate of operation.

"Potential to emit" is defined in the Clean Air Act. The United States Environmental Protection Agency has provided guidance which relaxes the definition for emergency generator and country grain elevator source categories.

Any person may make written suggestions or comments on the proposed rules on or before _____. Written comments should be directed to Gaye Wiekierak, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034, FAX (515) 281-8895.

A public hearing will be held on _____ at _____ in _____, at which time comments may be submitted orally or in writing.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility, should contact the Department of Natural Resources to advise the Department of any specific needs.

This amendment may impact small business.

This amendment is intended to implement Iowa Code section 455B.133.

The following amendment is proposed.

ITEM 1. Add the following definitions, in alphabetical order, to **567--20.2(455B) Definitions:**

"Country grain elevator" means any grain elevator that receives more than fifty percent of its grain produced by farms in the vicinity. This definition does not include grain terminal elevators or grain storage elevators, as defined in paragraph 23.1(2) "ooo".

"Emergency generator" means any generator whose sole function is to provide emergency back-up power when electric power from the electric utility is unavailable. An emergency generator does not include:

- a. Peaking units at electric utilities; or
- b. Generators at industrial facilities that typically operate at low rates, but are not confined to emergency purposes; or
- c. Any standby generators that are used during time periods when power is available from the electric utility.

"Potential to emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the administrator. This term does not alter or affect the use of this term for any other purposes under the Act, or the term "capacity factor" as used in Title IV of the Act or the regulations relating to acid rain.

For country grain elevators, *"potential to emit"* means the greatest amount of grain received by the elevator during any of the previous five years, multiplied by an adjustment factor of 1.2.

For emergency generators, *"potential to emit"* means the maximum number of hours the emergency generator could operate per twelve month rolling period, taking into account the number of hours electric utility power would be expected to be unavailable and the number of hours for maintenance activities.

ITEM 2. Add the following definitions, in alphabetical order, to **567--22.100(455B) Definitions for Title V Operating Permits:**

"Country grain elevator" means any grain elevator that receives more than fifty percent of its grain produced by farms in the vicinity. This definition does not include grain terminal elevators or to grain storage elevators, as defined in paragraph 23.1(2) "ooo".

"Emergency generator" means any generator whose sole function is to provide emergency back-up power when electric power from the electric utility is unavailable. This definition does not include:

- a. Peaking units at electric utilities; or
- b. Generators at industrial facilities that typically operate at low rates, but are not confined to emergency purposes; or
- c. Any standby generators that are used during time periods when power is available from the electric utility.

ITEM 3. Amend the definition of "*potential to emit*" in **567--22.100(455B) Definitions for Title V Operating Permits** as follows:

"*Potential to emit*" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the administrator. This term does not alter or affect the use of this term for any other purposes under the Act, or the term "capacity factor" as used in Title IV of the Act or the regulations relating to acid rain.

For country grain elevators, "*potential to emit*" means the greatest amount of grain received by the elevator during any of the previous five years, multiplied by an adjustment factor of 1.2.

For emergency generators, "*potential to emit*" means the maximum number of hours the emergency generator could operate per twelve month rolling period, taking into account the number of hours electric utility power would be expected to be unavailable and the number of hours for maintenance activities. An emergency generator whose maximum hours exceeds 500 hours per year shall be considered a major source for Title V.

Mr. Stokes gave a detailed explanation of the rules.

Motion was made by Charlotte Mohr to approve Notice of Intended Action--Chapter 20 and 22, Potential to Emit for Grain Elevators and Emergency Generators. Seconded by William Ehm. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE--CHAPTERS 20, 22, 23 AND 29, OPERATING PERMIT BY RULE FOR SMALL SOURCES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Environmental Protection Commission is asked to approve the attached amendments as final. These changes amend Chapters 20, "Scope of Title - Definitions - Forms - Rules of Practice," Chapter 22, "Controlling Pollution," Chapter 23, "Emission Standards for Contaminants," and Chapter 29 "Qualification in Visual Determination of the Opacity of Emissions," 567 Iowa Administrative Code.

Item 1 updates the adoption by reference date for the definition of volatile organic compounds (VOC) and thereby exempts acetone from the list of VOC.

Item 2 clarifies that the department reserves the right to require proof that the National Ambient Air Quality Standards have not been violated by any source which is being exempted from the air quality construction permit requirement. Presently, air quality construction permits may only be issued when the director concludes that the expected emissions from sources will not prevent the attainment or maintenance of the ambient air quality standards.

Item 3 corrects rule references within the permit by rule for spray booths.

Item 4 corrects an internal rule reference to sources which are exempt from the requirement to obtain a Title V operating permit is corrected.

Item 5 makes changes to 567--22.200-207 to incorporate references to the operating permit by rule for small sources proposed in the new rule 567--22.300 included in this action.

Item 6 changes the date that voluntary operating permit applications may be submitted from 90 days after Title V program approval by the U.S. Environmental Protection Agency, to July 1, 1996.

Item 7 proposes establishing an optional "operating permit by rule for small sources" allowing small sources (sources with actual emissions of less than 50 % of the major source threshold levels) otherwise subject to Title V permitting to register for an operating permit by rule. The proposed rule allows smaller sources to accept annual emissions limits, established in the rule, which restrict their "potential to emit" and thus their exposure to "major source" requirements of the Clean Air Act. Sources meeting the eligibility requirements and submitting the necessary documentation will be exempted from applying for a Title V operating permit and from paying the Title V fee. Sources eligible for the operating permit by rule must be willing to accept the following limits on actual emissions: for each regulated air pollutant - less than 50 tons per 12-month rolling period; for each regulated hazardous air pollutant, including fugitive emissions - less than 5 tons per 12-month rolling period; and for all regulated hazardous air pollutants combined - less than 12.5 tons per 12-month rolling period.

The rule creates two tiers of responsibility. A de minimus level is established which requires only annual recordkeeping for sources with actual emissions of regulated air pollutants under 5 tons per year, under 2 tons per year for each single hazardous air pollutant, and under 5 tons per year of any combination of hazardous air pollutants. The second tier (for sources emitting greater than de minimus levels, but still meeting eligibility requirements for the rule) is required to maintain recordkeeping sufficient to ensure continued compliance with requirements of the rule.

Items 8 and 9 adopt by reference maximum achievable control technology (MACT) standards for hazardous air pollutants for source categories for secondary lead smelting, petroleum refineries, and for aerospace manufacturing and rework facilities. This rulemaking also amends the MACT standard for Gasoline distribution by clarifying the relationship between the gasoline distribution MACT and regulations established in the petroleum refinery MACT.

Item 10 add language establishing that visible emissions standards of less than 40 % may be established in construction permits.

Item 11 changes the requirements for qualification in visual determination of the opacity of emissions to correct the inadvertent deletion of the requirement that individuals certified in visible emissions observation establish experience in opacity reading with a minimum of 250 readings of black plumes and 250 readings of white plumes.

Numerous changes were made to the rule due to comments made during the public comment period. Additional changes were made to clarify the general intent of certain paragraphs.

The following changes were made to Item 7. *(The comment number from the Responsiveness Summary follows the description of the change, where applicable):*

22.300 was changed to clarify which sources may register for the operating permit by rule for small sources. 22.300(2)"a"(4) was deleted and the language adopted in item 2 was incorporated at 22.300(2)"d" to clarify sources' responsibility in assessing ambient air impacts.

22.300(2)"a" (4) reference to ambient air quality standards are moved to 22.300(2)"d" and is modified to clarify sources' responsibility in assessing ambient air impacts. (5)

22.300(2)"b" the word "obviate" is replaced by the word "eliminate." (6)

The first sentence of paragraphs 22.300(3)"b" and "c" are modified to clarify that both major and nonmajor sources subject to certain standards may use the registration permit only during the deferral period to limit their potential to emit.

Requirements for sources with de minimus emissions are clarified in a modification of the first unnumbered paragraph of subrule 22.300(4). (7)

22.300(4)"a" is renumbered and a new paragraph "a" is inserted. Subsequent paragraphs and subparagraphs are renumbered.

The term phrase "volatile organic compound containing" 22.300(4)"b"(3) is deleted. (12)

A new unnumbered paragraph, clarifying which requirements apply to de minimus sources, is added to 22.300(4)"c" and renumbered as 22.300(4)"b."

A reference to "paragraphs "a" and "b"" in subparagraph 22.300(4)"b"(2) is corrected to refer to only paragraph "a."

The clause "that are federally enforceable" is added to the second sentence in the first unnumbered paragraph of 22.300(5). (42)

Subrule 22.300(7), first unnumbered paragraph is modified by expanding the first sentence to clarify that these record keeping requirements are for non-de minimus sources. The word "any" is replaced with the word "all" in the second sentence. The Thisrd sentence is modified by replacing the word "an" with "any" and adding the phrase "construction permit." (17, 18)

The first sentence of 22.300(7)"c" is modified to clarify the subject of the paragraph.

The introductory paragraph 22.300(8)"a" is modified to clarify who may register for the permit, and correcting a reference to applying for rather than registering for the permit is made. The paragraph is also modified to reflect that one original and one copy of the registration form is to be submitted. (26, 27)

In 22.300(8)"b"(1) the term "agent" is replaced by the term "responsible official." (28)

In 22.300(8)"b"(3)5 the location of the definition of "stationary source category" is clarified. (31)

Paragraph 22.300(9)"a" the length of time that a source has to apply for a Title V permit, subsequent to exceeding the limits established in this rule, are made consistent with requirements established under the Title V rules.

Item 10 is amended to add the phrase "equal to or" prior before the phrase " in excess of 40 percent..." (38)

(A copy of the rule and the responsiveness summary is on file in the department's Records Center)

Mr. Stokes noted that last month the Commission had questions on certain changes made to the rule. He reviewed changes addressed in the item brief. He distributed a paper covering the review of a "12-month rolling period" and explained same. Mr. Stokes introduced Chris Hess, EPA to explain the federal viewpoint on the 12-month rolling period.

Chris Hess

Chris Hess, EPA, stated that the EPA is concerned about the sense of equity for sources in the state and further explained how equity is achieved. He noted that the rule is part of national standards and policy within EPA. He related that this matter is not in the Clean Air Act of 1990 but has been part of EPA rules since 1980. Mr. Hess stressed that it is the appropriate measure for enforcing emissions limitations. He related that this is not a new burden as it has been used in permits since 1991 by John Deere, and it provides equity among the sources. He indicated that EPA is comfortable with supporting Iowa on these rules.

Charlotte Mohr asked about 22.300(7) if the word "any" should have been changed to "all."

Mr. Stokes explained the paragraph and related that it is appropriate as written.

Terrance Townsend asked about the ten year record keeping requirement under 22.300(8)b and related that he thought it was going to be changed to five years.

Mr. Stokes responded that he has no objections to changing it to five years and related that all references to ten years will be changed to five years on the retention period.

Motion was made by Charlotte Mohr to approve Final Rule--Chapters 20, 22, 23 and 29, Operating Permit by Rule for Small Sources. Seconded by Kathryn Murphy. Motion carried unanimously.

APPROVED WITH ADJUSTMENT TO RECORDS RETENTION PERIOD

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. City of Lenox - water pollution

City of Lenox

Mr. Murphy stated that this case involves the City of Lenox waste water treatment plant exceeding effluent limitations for nitrogen and CBOD. He noted that this matter has already been to court three times and that is the main reason staff feel referral is necessary to address these violations.

Rob Zabel

Rob Zabel, Mayor of Lenox, introduced Daryl Kottwitz with HDR Engineering, Tim Snyder of Peoples Services, Dave DeJong, Lenox City Attorney, and Dr. Wayne Izaak with the Lenox City Council. Mr. Zabel stated that the city has been trying to get their problems corrected and in late

1993 hired Peoples Services, who have been managing the lagoon since that time. He noted that last fall HDR was hired and he then asked Daryl Kottwitz to comment.

Daryl Kottwitz

Daryl Kottwitz stated that the city hired HDR last fall to look at how they can make their treatment plant perform to meet the NPDES permit limitations. He related that HDR completed a study evaluating three different treatment methods, all aerobic in nature. Following the study, HDR's recommended approach was an activated sludge process using existing lagoons, but due to the financial burden for the city HDR began trying to find a different way to do it. He related that he contacted Wayne Farrand, Waste Water Bureau, as to whether an anerobic process would necessitate covering the lagoons with a membrane liner. He described a facility in Nebraska which uses an egg breaking waste going into anerobic lagoons that are not covered with a membrane. He noted that a crust layer forms on the top which filters out and treats the odors as they pass through the crust layer. Mr. Kottwitz indicated that he is sending a proposal to Wayne Farrand asking that the city be allowed to operate one of their lagoons now by converting it from aerobic to anerobic, and to develop the crust layer. He added that he is proposing this be allowed on a trial basis. He noted that the Nebraska facility gets about 80% BOD removal in thier first lagoon and 50% more removal in the second lagoon. Mr. Kottwitz stated that the City of Lenox will be applying for SRF funds and need to submit their application by July 1. He asked that the Commission consider the city's efforts when assessing fines.

Kathryn Draeger asked about the population of Lenox.

Mr. Zabel replied that their total population is 1,300 people.

William Ehm asked when Wayne Farrand was contacted by HDR.

Mr. Kottwitz stated that he wrote Mr. Farrand a letter on April 11 and also spoke to him that day.

Commissioner Ehm asked what the city will do if the department rules that HDR's proposal is not a viable alternative.

Mr. Kottwitz stated that another approach might be to pretreat, eliminate odors, and irrigate the waste water on nearby farm ground, which would necessitate purchasing farm land and constructing terraces and catch basins.

Discussion followed in regard to the original engineer not doing what he should have done for the city; costs and funding to correct the problems; trial period on running anerobic lagoons and build up of crust on the lagoon.

Charlotte Mohr asked what the timeline would be for the project.

Mr. Murphy indicated that it would be a very long term schedule. He stressed that even if the case is referred it does not mean the department won't continue to work with the city.

Discussion followed regarding the ammonia limits, how they were set, and getting the limits revised. Mr. Zabel noted that he spoke with Ralph Turkle and there would not be much chance of getting the limits changed.

Motion was made by Charlotte Mohr to delay the case for 90 days and revisit the issue at that time.

Director Wilson remarked that there needs to be some closure on the issue.

Mr. Kottwitz noted that in addition to the proposal to Mr. Farrand, they will take all the existing aerators out of the lagoon to be used for an anerobic, then put them in the next lagoon down the line. There would be some kind of settling process included to convert it over to a crude activated sludge system that would greatly remove the ammonia.

Rozanne King asked how long it will take to see if it works.

Mr. Kottwitz stated that it will be six months, noting that they first have to get a permit from the state.

Dr. Izaak indicated that these things never happen very fast and there may not be an answer in 90 days.

Terrance Townsend seconded Commissioner Mohr's motion.

Kathryn Draeger offered an amendment to delay the issue for six months, and if progress is unsatisfactory, then take action at that time.

Gary Priebe asked what the Commission will know at the end of six months.

Mr. Kottwitz stated that the city will have started the crude activated sludge process which will be the ultimate design later on. He indicated that, by July 1, he will have a report/recommendation done for the anerobic followed by aerobic process. He added that they would also have applied for SRF money for construction. He indicated that if they find out after that time period that they are not getting a crust on the lagoon, or are not getting the BOD removal, they will still have an application with the state that can be amended for the activated sludge process. He noted that construction, if the grants are received, could be started by next spring.

Chairperson King asked how soon they will have the temporary approval from the department.

Mr. Stokes stated that he can ask staff to give their application priority for review, and then let them know if it stands a reasonable chance. He added that one will not know until it is implemented whether it has any impact. He stated that if it stands a chance of working, the department will try to approve it. Mr. Stokes noted that staff concern would be that in allowing six months to experiment, it seems to be adopting the notion that it is okay to pollute until they can come up with some outside financial assistance. He noted that there are measures the city can take internally to try to get the best treatment they can by possibly cutting the load from the major industry contributing to it. He added that he would like to see some clear signal that the city is doing everything within their power to keep as close to their permit limits as they can.

Discussion followed regarding the possible lack of SRF funds next year, and looking at going to regional facilities.

Dr. Izaak commented that the current monthly averages are running 80-90% of what the city's permit calls for them to be able to generate. He added that they are not dumping what they could be dumping according to their current permit.

William Ehm commented that there are other communities in the state with similar problems that have been dealt with through referral, and it is very clear there is a problem in Lenox, but there is not justification to delay it for 3-6 months because even the consultants do not know at this time which direction they will be going.

Terrance Townsend stated that he thinks there is a need to give special treatment to small municipalities who are struggling to make ends meet.

Commissioner Ehm remarked that the local newspaper, over the past five years, continually speaks about the problems with the sewage system and the odor. He related that Lenox has been given three month and six months extensions over the past several years and he cannot support the motion.

Chairperson King noted that Commissioner Draeger's amendment was not seconded.

Gary Priebe seconded Commissioner Draeger's amendment to delay the issue for six months.

Commissioner Priebe noted that this issue has been going on for a long time and something needs to be done, but he is supporting the motion because he does not agree with the back page of the litigation report.

Vote on Commissioner Draeger's amendment carried unanimously.

Chairperson King requested a roll call vote on Commissioner Mohr's motion, as amended. "Aye" vote was cast by Commissioners Priebe, Townsend, Draeger, Mohr, Murphy, and King. "Nay" vote was cast by Commissioner Ehm. Motion carried on a vote of 6-Aye to 1-Nay.

REFERRAL DELAYED FOR SIX MONTHS

Chairperson King asked that the city send a written report by the second Monday of each month to Mr. Murphy, who will then report the status to the Commission.

FINAL RULE--CHAPTER 134, REGISTRATION OF GROUNDWATER PROFESSIONALS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to adopt the attached amendments to Chapter 134. The amendments are intended to implement the requirements for certification of Groundwater Professionals in Iowa Code section 455G.18. The rules require a course of instruction and passing of an examination in order to be certified. Groundwater Professionals registered with the department before January 1, 1996 would not have to attend the course of instruction. All certified Groundwater Professionals have to meet yearly continuing education requirements.

**ENVIRONMENTAL PROTECTION COMMISSION[567]
Adopted and Filed**

Pursuant to the authority of Iowa Code Supplement section 455G.18, the Environmental Protection Commission amended Chapter 134, "Registration of Groundwater Professionals," Iowa Administrative Code. The amendments were published for Notice of Intended Action as ARC 6189A in the January 17, 1996 issue of the Iowa Administrative Bulletin. The amendments are intended to implement the requirements for certification of groundwater professionals in Iowa Code Supplement section 455G.18.

One change has been made due to public comment. A sentence has been added to paragraph 134.2(3)"b" to clarify that a registered groundwater professional can reapply for certification following failure of a second examination. They would apply as a new applicant which would require completing the course of instruction offered or authorized by the department.

The department also received comments on the continued use of the registration requirements in 134.2(2) and the addition of suspension, revocation and denial of certification based on noncompliance of child support obligation and default of an obligation owed the state in new subparagraphs 134.4(2)"f" and "g". These were not considered since they are required by Iowa statute.

These proposed amendments are intended to implement Iowa Code Supplement, section 455G.18.

The following amendments were adopted.

ITEM 1. Amend rule 134.2(455G) as follows:
567--134.2(455G) Registration Certification requirements.

134.2(1) A groundwater professional must ~~register~~ be certified as provided in 134.3(455G) before engaging in activities described in 134.1(455G), except that a person engaging in activities described in 134.1(455G) need not be ~~registered~~ certified if that person is under direct supervision of a ~~registered~~ certified groundwater professional when engaging in such activities.

134.2(2) In order to ~~register~~ be certified as a groundwater professional, a person must be one or more of the following:

a. A person certified by the American Institute of Hydrology as a Professional Hydrologist, Professional Hydrogeologist, or Professional Hydrologist (Groundwater).

b. A person certified by the National Water Well Association or Association of Groundwater Scientists and Engineers as a Groundwater Professional.

c. A person certified by the American Board of Industrial Hygiene as an Industrial Hygienist.

d. A professional engineer registered in Iowa.

e. A professional geologist certified by a national organization (e.g., American Institute of Professional Geologists, American Association of Petroleum Geologists, Society of Independent Earth Scientists).

f. Any person with five years of direct or related experience and training as a groundwater professional or in the field of earth sciences as of June 10, 1991. This must include a minimum of at least two years of education and training, and two years of experience as a groundwater professional.

g. Any person with a license, certification, or registration to practice hydrogeology or groundwater hydrology issued by any state in the United States or by a national organization, provided that the license, certification, or registration process requires, at a minimum, both of the following:

(1) Possession of a bachelor's degree from an accredited college.

(2) Five years of related professional experience.

134.2(3) In order to be certified as a groundwater professional, the applicant must complete a course of instruction and pass a certification examination offered or authorized by the department, except as provided in paragraph 134.3(3) "a" and subrule 134.3(6).

a. Anyone who fails an initial examination may take a second examination after a 60-day waiting period. Subsequent examinations may be completed as scheduled by the department.

b. Any person registered as a groundwater professional prior to the effective date of this subrule will be allowed to continue performing as a certified groundwater professional for 90 days upon failure of the first examination. Failure of the second examination will result in denial of certification as a groundwater professional. **Reapplication for groundwater certification can be made which includes completion of the course of instruction offered or authorized by the department before retaking the certification examination.**

ITEM 2. Amend rule 134.3(455G) as follows:

567--134.3(455G) ~~Registration-Certification~~ procedure.

134.3(1) Application. Application for ~~registration~~ certification shall be made by completing a form provided by the department and submitting evidence of meeting the requirements found in ~~subrule 134.2(2)~~ rule 134.2(455G) (i.e., copy of certificate, license, description of experience and training).

134.3(2) Registration Certification fee. The initial registration certification and each renewal application must be accompanied by a nonrefundable fee in the form of a check or money order payable to the Department of Natural Resources. The registration certification fee is \$200 every two years and must be renewed biennially by January 1 of each even-numbered year (i.e., 1994, 1996, etc.). No proration of registration certification fees will be done. The department will assess a fee for each training course and examination, based upon the cost of preparation and administration.

134.3(3) Deadline for application. A person must be registered certified in order to provide services as a groundwater professional. after January 1, 1992.

a. A groundwater professional who was registered prior to January 1, 1996, is not required to attend the initial course of instruction, but must pass the certification examination by January 1, 1997.

b. Any person who was not registered as a groundwater professional prior to January 1, 1996, must attend an initial course of instruction and pass a certification examination offered or authorized by the department, except as provided in subrule 134.3(6).

c. Groundwater professionals, registered prior to the effective date of this paragraph, may continue to provide the services described for groundwater professionals in rule 134.1(455G) until the groundwater professional certification course and examination are made available by the department. Except as provided in paragraph 134.3(3) "a," registered groundwater professionals must enroll for the course of instruction within 30 days of notice of availability and take the examination upon completion of the course.

134.3(4) Registration Certification issuance and renewal.

a. Upon receipt, review, and acceptance of the application and registration certification fee, the department shall furnish the applicant with a registration document certificate showing the name of the individual and the expiration date.

b. In order to remain valid, a groundwater professional registration certificate must be renewed prior to the expiration date specified on the registration document certificate. Renewal applications must be made on a form provided by the department and must be received by the department or postmarked at least 60 days prior to the expiration date of the registration or certification then in effect. The renewal application must be accompanied by the registration or certification fee specified in subrule 134.3(2) and proof of completing the continuing education requirements in 134.3(5).

134.3(5) Continuing education. All groundwater professionals are required to complete at least six hours of continuing education per year.

a. Groundwater professionals not required to attend the course of instruction in 134.3(3) "a" must attend specified courses, comprising up to 16 hours, offered by the department for their first year of continuing education. These courses may include the policies and procedures for implementing corrective action rules in 567--Chapter 135 and the applicable principles of Risk Based Corrective Action (RBCA).

b. All certified groundwater professionals or persons applying for certification may be required to attend specified courses applicable to policies and procedures implementing corrective action rules in 567--Chapter 135 as part of the continuing education requirements.

c. Courses other than those provided by the department must be submitted to the department for prior approval as meeting the continuing education requirement.

134.3(6) Exemption from examination. The department may provide for an exemption from the initial course of instruction and certification examination requirements for a professional engineer registered pursuant to Iowa Code chapter 542B, if the person is qualified in the field of geotechnical, hydrological, environmental, groundwater, or hydrological engineering upon submission of sufficient proof of exemption to the Iowa comprehensive petroleum underground storage tank fund board, as provided in 1995 Iowa Code Supplement section 455G.18(8). A groundwater professional exempted under this provision must meet the continuing education requirements of subrule 134.3(5).

ITEM 3. Amend rule 134.4(455G) as follows:

567---134.4(455G) Suspension, revocation and denial of ~~registration~~ registration certification.

134.4(1) General policy. It is the policy of the department to enforce standards of professional and ethical conduct which are generally accepted within the professions which qualify persons for ~~registration~~ certification in Iowa as groundwater professionals. The department intends to rely on written standards of professional and ethical conduct and competency which are applicable to persons who qualify for ~~registration~~ certification by virtue of certification by or membership in a professional organization or state licensure as provided in Iowa Code section 455G.18(2).

It is the policy of the department to investigate and enforce standards of conduct by ~~registered~~ certified groundwater professionals which fall within the scope of their professional relationships with the department, their clients and other state regulatory agencies including the Iowa comprehensive petroleum underground storage tank fund board and their agents.

134.4(2) Lack of qualification. The department may suspend, revoke or deny ~~registration~~ certification as a groundwater professional for any of the following reasons:

- a. A material misstatement of fact in an application for ~~registration~~ certification.
- b. Failure to provide the fee for ~~registration~~ certification.
- c. Loss of license, certification, or registration necessary to meet the ~~registration~~ certification requirements in subrule 134.2(2).
- d. Insufficient proof of qualifications required under rule 134.2(455G). ~~subrule 134.2(2)~~.
- e. Failure to successfully complete the certification requirements.
- f. Receipt of a "certificate of noncompliance" with a child support obligation and failure to provide a "withdrawal of a certificate of noncompliance" from the child support recovery unit as provided in 1995 Iowa Code Supplement Chapter 252J.
- g. Default on an obligation owed to or collected by the state as provided in 1995 Iowa Code Supplement section 421.17(34)"e."

134.4(3) Discipline based on a single act or omission. The department may suspend, revoke or deny ~~registration~~ certification based on substantial evidence of a single act or failure to act. The severity of the sanction may be based on the gravity of the act or omission and on the degree of culpability such as whether it was negligent, knowing, willful, or with such a degree of +reckless disregard as to equate with intentional conduct. Single acts or omissions that may be grounds for discipline include, but are not limited to, the following:

- a. Fraudulent omissions or misstatements of material fact in any reports, correspondence or communications with the department.
- b. Violation of an ethical standard which the person knew or should have known and which results in or reasonably could have resulted in material consequences.

c. Failure to report the presence of contamination to the parties reasonably believed to be responsible for reporting the contamination to the department as provided in 567--Chapter 131 and 567--135.6(455B).

d. Knowingly making a material false statement, representation or certification on any application, record, report, or document required to be maintained or submitted by department rule or which is voluntarily submitted to the department.

e. Gross incompetence in the performance of groundwater professional services and corrective action.

f. Material misstatement of facts or misrepresentation of information required to be provided pursuant to Iowa Code chapters 455G and 455B, division IV, part 8.

134.4(4) Discipline based on repeated acts or omissions. The department may suspend, revoke or deny ~~registration~~ certification, based on substantial evidence of repeated acts or omissions which, when taken together indicate a lack of competency, professionalism, ethical conduct, or adherence to standards of performance generally expected by the profession. The severity of the sanction may be based on the gravity of the acts or omissions and the degree of culpability. Disciplinary sanctions under this subrule will not be applied without providing the person with at least one written notice of the deficiency and a written warning that future repetition may result in discipline. Conduct or omissions which may be a basis for discipline include but are not limited to the following:

a. Repeated incidents of substandard field investigation may result in suspension or revocation.

b. Repeated incidents of substandard, inaccurate or incomplete site cleanup reports and failure to follow site cleanup report instructions may result in suspension or revocation.

c. Conduct warranting a sanction after prior suspension shall result in a more severe sanction.

134.4(5) Disciplinary procedure.

a. Prior to issuance of a final department action imposing a disciplinary sanction of suspension, revocation or denial of ~~registration~~ certification the department shall conduct such lawful investigation as it deems necessary to substantiate material facts sufficient to warrant a disciplinary sanction. The decision to impose a disciplinary sanction shall be made by the administrator of the environmental protection division.

b. Written notice of a sanction shall be sent by restricted certified mail to the person against whom the sanction is imposed. The notice shall provide a brief explanation of the facts relied upon and the sanction to be imposed. The notice shall inform the recipient of applicable appeal rights.

c. A person may appeal a decision imposing a suspension, revocation or denial of ~~registration~~ certification within 30 days of receipt of the notice. Upon timely receipt of the notice of appeal, contested case procedures, including informal settlement, shall apply as provided in 561--Chapter 7. In accordance with 561--subrule 7.5(2), the department shall initiate pleading by the filing of a petition.

d. Notwithstanding 561--subrule 7.15(7), the sanction imposed shall not take effect until after a contested case hearing and issuance of a proposed decision. If a timely appeal has not been filed, the sanction is effective after 30 days from receipt of the notice. A party may request stay of the sanction, as provided in 561--subrule 7.15(7), after issuance of a proposed decision.

ITEM 4. Add a **new** subrule 134.4(6):

135.4(6) Noncompliance with support order procedures. Upon receipt of a certification of noncompliance with a support obligation as provided in Iowa Code Supplement section 252J.7, the department will initiate procedures to deny an application for certification or renewal, or to suspend a certification in accordance with Iowa Code Supplement section 252J.8(4). The department shall issue a notice by restricted certified mail to the person of its intent to deny or suspend groundwater professional certification based on receipt of a certification of noncompliance. The suspension or denial shall be effective 30 days after receipt of the notice unless the person provides the department with a withdrawal of the certificate of noncompliance from the child support recovery unit as provided in Iowa Code Supplement section 252J.8(4)"c." Pursuant to Iowa Code Supplement section 252J.8(4), the person does not have a right to a hearing before the department to contest the denial or suspension action under this subrule but may seek a hearing in district court in accordance with Iowa Code Supplement section 252J.9.

ITEM 5. Amend rule 134.5(455G) as follows:

567--134.5(455G) Penalty. A groundwater professional who fails to ~~register~~ obtain certification with the department of natural resources as required in this chapter is subject to a civil penalty of \$50. A groundwater professional who knowingly or intentionally makes a false statement or misrepresentation which results in a mistaken classification of a site shall be guilty of a serious misdemeanor and shall have the groundwater professional certification revoked.

Larry W. Wilson, Director

DATE

(a copy of the Responsiveness Summary is on file in the department's Records Center)

Mr. Stokes briefly reviewed the rules.

Kathry Draeger asked about using the word "Geoscientist" in place of Professional Geologist under 134.2(2). She pointed out that a geologist excludes soil science and a geoscientist would include soil science.

Director Wilson remarked that there were many public comments about terminology in this rule and he would be hesitant to make changes.

Mr. Stokes pointed out that the language, as stated, is out of the Code.

Commissioner Ehm commented that if it is out of the Code the Commission does not have much choice in the matter.

Brief discussion followed.

Motion was made by Kathryn Murphy to approve Final Rule--Chapter 134, Groundwater Professionals. Seconded by William Ehm. Motion carried unanimously.

APPROVED AS PRESENTED

LEGISLATION UPDATE

Director Wilson outlined the bills that have passed the legislature as follows:

- Toxics in Packaging
- LLRAWC Amendments
- Waste Tire Management Fund
- Livestock Chronic Violators

Bills that did not pass the legislature are as follows:

- Several tire bills
- Beverage container amendments
- CFC's
- UST's Cost Recovery
- Takings bill
- Storm Water Runoff
- Septics Tanks
- Requirement for EIS on NRC & EPC rules

Mr. Wilson expanded on details of the various bills.

INFORMATIONAL ONLY

GENERAL DISCUSSION

Kathryn Murphy commented on a chaise lounge shown in a Nieman-Marcus catalog which was made from tires.

Director Wilson spoke about an experimental project in the state of Washington whereby asphalt was placed over old tires in road beds, and through decomposition of metals or spontaneous combustion they ignited.

Mr. Stokes mentioned a similar project in Colorado where tar began leaching out of a road embankment and was headed for a wetland area.

ADDRESS ITEMS FOR NEXT MEETING

Mr. Stokes stated that the Commissioners will receive a lot of detailed information relative to the Thierry Lake issue and he asked them to keep an open mind because it has some very serious implications for similar issues in the future. He pointed out that the area is a lake as far as the Thierry's and their neighbors are concerned, but for most of the rest of Iowa it is a wide and deep spot in a river.

Chairperson King asked that staff inform the Commission of other areas in the state where there is a situation similar to this.

NEXT MEETING DATES

May 20, 1996

June 17, 1996

July 15, 1996

The Commission discussed holding the June meeting in Scott County.

JACK BAILEY

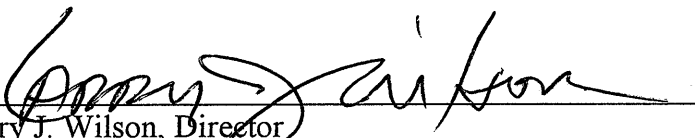
Chairperson King introduced Jack Bailey, Director of the Iowa Area Development Group, who will tour Rose Acres with the Commission.


Mr. Bailey presented an overview of Rose Acres egg processing facility and described the technical procedures they use. He noted that Rose Acres is the third largest egg producer in the world. He pointed out that they are very environmentally sensitive and explained the process they use at the facility.


Chairperson King thanked Mr. Bailey for his presentation.

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson King adjourned the meeting at 2:30 p.m., Monday, April 15, 1996.


Larry J. Wilson, Director


Rozanne King, Chair


Charlotte Mohr, Secretary

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